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A

COMPARATIVE DISPLAY

OF THE

DIFFERENT OPINIONS

OF THE

MOST DISTINGUISHED BRITISH WRITERS

ON THE SUBJECT OF THE

FRENCH REVOLUTION;

FOLLOWED BY

A Review, and Comparison

WITH

EVENTS.

IN THREE VOLUMES.

VOL. II.

I will hear *Brutus* speak———
I will hear *Cassius*, and compare their reasons.
Shakspeare.

LONDON,
Printed by P. Stuart,
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of all the other Booksellers.

1811.

R. A. H.

A

COMPARATIVE DISPLAY, &c.

Reformation of the Eccleſiaſtical Eſtabliſhment in France—Seizure of the Eccleſiaſtical Poſſeſſions —Suppreſſion of Monaſtic Inſtitutions, &c.

Mr. BURKE.

THE preſent ruling power has ſhewn a diſpoſition only to plunder the church. It has puniſhed *all* prelates, which is to favour the vicious, at leaſt in point of reputation. It has made a degrading penſionary eſtabliſhment, to which no man of liberal ideas, or liberal condition, will deſtine his children. It muſt ſettle into the loweſt claſſes of the people.—As with you the inferior clergy are not numerous enough for their duties; as theſe duties are, beyond meaſure, minute and toilſome; as you have left no middle claſſes of clergy at their eaſe, in future nothing of ſcience

Reflections on the Revolution in France, &c.

Mr. Burke. or erudition can exiſt in the Gallican church. To complete the project, without the leaſt attention to the rights of patrons, the aſſembly has provided in future an elective clergy; an arrangement which will drive out of the clerical profeſſion all men of ſobriety; all who can pretend to independence in their function or their conduct; and which will throw the whole direction of the public mind into the hands of a ſet of licentious, bold, crafty, factious, flattering wretches, of ſuch condition and ſuch habits of life as will make their contemptible penſions (in compariſon of which the ſtipend of an exciſeman is lucrative and honourable) an object of low and illiberal intrigue. Thoſe officers, whom they ſtill call biſhops, are to be elected to a proviſion comparatively mean, through the ſame arts (that is, electioneering arts), by men of all religious tenets that are known or can be invented. The new lawgivers have not aſcertained any thing whatſoever concerning their qualifications, relative either to doctrine or to morals; no more than they have done with regard to the ſubordinate clergy; nor does it appear but that both the higher and the lower may, at their diſcretion, practiſe or preach any mode of religion or irreligion that they pleaſe. I do not yet ſee what the juriſdiction of biſhops over their ſubordinates is to be; or whether they are to have any juriſdiction at all.

In ſhort, Sir, it ſeems to me, that this new eccleſiaſtical eſtabliſhment is intended only to be temporary, and preparatory to the utter abolition,

under

under any of its forms, of the Chriſtian religion, whenever the minds of men are prepared for this laſt ſtroke againſt it, by the accompliſhment of the plan for bringing its miniſters into univerſal contempt. They who will not believe, that the philoſophical fanatics who guide in theſe matters, have long entertained ſuch a deſign, are utterly ignorant of their character and proceedings. Theſe enthuſiaſts do not ſcruple to avow their opinion, that a ſtate can ſubſiſt without any religion better than with one; and that they are able to ſupply the place of any good which may be in it, by a project of their own—namely, by a ſort of education they have imagined, founded in a knowledge of the phyſical wants of men; progreſſively carried to an enlightened ſelf-intereſt, which, when well underſtood, they tell us will identify with an intereſt more enlarged and public. The ſcheme of this education has been long known. Of late they diſtinguiſh it (as they have got an entire new nomenclature of technical terms), by the name of a *Civic Education.* Mr. Burke.

I hope their partizans in England (to whom I rather attribute very inconſiderate conduct than the ultimate object in this deteſtable deſign) will ſucceed neither in the pillage of the eccleſiaſtics, nor in the introduction of a principle of popular election to our biſhoprics and parochial cures. This, in the preſent condition of the world, would be the laſt corruption of the church; the utter ruin of the clerical character; the moſt dangerous ſhock

Mr. Burke. that the ſtate ever received through a miſunderſtood arrangement of religion. I know well enough that the biſhoprics and cures, under kingly and ſeignoral patronage, as now they are in England, and as they have been lately in France, are ſometimes acquired by unworthy methods; but the other mode of eccleſiaſtical canvas ſubjects them infinitely more ſurely and more generally to all the evil arts of low ambition, which, operating on and through greater numbers, will produce miſchief in proportion.

Thoſe of you who have robbed the clergy, think that they ſhall eaſily reconcile their conduct to all proteſtant nations; becauſe the clergy, whom they have thus plundered, degraded, and given over to mockery and ſcorn, are of the Roman Catholic, that is, of *their own* pretended perſuaſion. I have no doubt that ſome miſerable bigots will be found here as well as elſewhere, who hate ſects and parties different from their own, more than they love the ſubſtance of religion; and who are more angry with thoſe who differ from them in their particular plans and ſyſtems, than diſpleaſed with thoſe who attack the foundation of our common hope. Theſe men will write and ſpeak on the ſubject in the manner that is to be expected from their temper and character. Burnet ſays, that when he was in France, in the year 1683, "the method which carried over the men of the "fineſt parts to popery was this—they brought "themſelves to doubt of the whole Chriſtian re-

"ligion.

" ligion. When that was once done, it ſeemed a " more indifferent thing of what ſide or form they " continued outwardly." If this was then the eccleſiaſtic policy of France, it is what they have ſince but too much reaſon to repent of. They preferred atheiſm to a form of religion not agreeable to their ideas. They ſucceeded in deſtroying that form; and atheiſm has ſucceeded in deſtroying them. I can readily give credit to Burnet's ſtory; becauſe I have obſerved too much of a ſimilar ſpirit (for a little of it " is much too much") amongſt ourſelves. The humour, however, is not general. Mr. Burke.

The teachers who reformed our religion in England bore no ſort of reſemblance to your preſent reforming doctors in Paris. Perhaps they were (like thoſe whom they oppoſed) rather more than could be wiſhed under the influence of a party ſpirit; but they were moſt ſincere believers; men of the moſt fervent and exalted piety; ready to die (as ſome of them did die), like true heroes in defence of their particular ideas of Chriſtianity; as they would with equal fortitude, and more cheerfully, for that ſtock of general truth, for the branches of which they contended with their blood. Theſe men would have diſavowed with horror thoſe wretches who claimed a fellowſhip with them upon no other titles than thoſe of their having pillaged the perſons with whom they maintained controverſies, and their having deſpiſed the common religion, for the purity of which they exerted themſelves

Mr. Burke. ſelves with a zeal, which unequivocally beſpoke their higheſt reverence for the ſubſtance of that ſyſtem which they wiſhed to reform. Many of their deſcendants have retained the ſame zeal; but (as leſs engaged in conflict) with more moderation. They do not forget that juſtice and mercy are ſubſtantial parts of religion. Impious men do not recommend themſelves to their communion by iniquity and cruelty towards any deſcription of their fellow creatures.

We hear theſe new teachers continually boaſting of the ſpirit of toleration. That thoſe perſons ſhould tolerate all opinions, who think none to be of eſtimation, is a matter of ſmall merit. Equal neglect is not impartial kindneſs. The ſpecies of benevolence, which ariſes from contempt, is no true charity. There are in England abundance of men who tolerate in the true ſpirit of toleration. They think the dogmas of religion, though in different degrees, are all of moment; and that amongſt them there is, as amongſt all things of value, a juſt ground of preference. They favour, therefore, and they tolerate. They tolerate, not becauſe they deſpiſe opinions, but becauſe they reſpect juſtice. They would reverently and affectionately protect all religions, becauſe they love and venerate the great principle upon which they all agree, and the great object to which they are all directed. They begin more and more plainly to diſcern, that we have all a common cauſe, as againſt a common enemy. They will

not be ſo miſled by the ſpirit of faction, as not to diſtinguiſh what is done in favour of their ſubdiviſion, from thoſe acts of hoſtility, which, through ſome particular deſcription, are aimed at the whole corps, in which they themſelves, under another denomination, are included. It is impoſſible for me to ſay what may be the character of every deſcription of men amongſt us. But I ſpeak for the greater part; and for them, I muſt tell you, that ſacrilege is no part of their doctrine of good works; that, ſo far from calling you into their fellowſhip on ſuch title, if your profeſſors are admitted to their communion, they muſt carefully conceal their doctrine of the lawfulneſs of the proſcription of innocent men; and that they muſt make reſtitution of all ſtolen goods whatſoever. Till then they are none of ours. Mr. Burke.

You may ſuppoſe that we do not approve your confiſcation of the revenues of biſhops, and deans, and chapters, and parochial clergy poſſeſſing independent eſtates ariſing from land, becauſe we have the ſame ſort of eſtabliſhment in England. That objection, you will ſay, cannot hold as to the confiſcation of the goods of monks and nuns, and the abolition of their order. It is true, that this particular part of your general confiſcation does not affect England, as a precedent in point: but the reaſon applies; and it goes a great way. The long parliament confiſcated the lands of deans and chapters in England on the ſame ideas upon which your aſſembly ſet to ſale the lands of the

Burke. monaſtic orders. But it is in the principle of injuſtice that the danger lies, and not in the deſcription of perſons on whom it is firſt exerciſed. I ſee, in a country very near us, a courſe of policy purſued, which ſets juſtice, the common concern of mankind, at defiance. With the national aſſembly of France, poſſeſſion is nothing; law and uſage are nothing. I ſee the national aſſembly openly reprobate the doctrine of preſcription, which * one of the greateſt of their own lawyers tells us, with great truth, is a part of the law of nature. He tells us, that the poſitive aſcertainment of its limits, and its ſecurity from invaſion, were among the cauſes for which civil ſociety itſelf has been inſtituted. If preſcription be once ſhaken, no ſpecies of property is ſecure, when it once becomes an object large enough to tempt the cupidity of indigent power. I ſee a practice perfectly correſpondent to their contempt of this great fundamental part of natural law. I ſee the confiſcators begin with biſhops, and chapters, and monaſteries; but I do not ſee them end there. I ſee the princes of the blood, who, by the oldeſt uſages of that kingdom, held large landed eſtates (hardly with the compliment of a debate), deprived of their poſſeſſions, and, in lieu of their ſtable independent property, reduced to the hope of ſome precarious, charitable penſion, at the pleaſure of an aſſembly, which of courſe will pay little regard to the rights of penſioners at pleaſure, when it

* Domat.

deſpiſes

deſpiſes thoſe of legal proprietors. Fluſhed with the inſolence of their firſt inglorious victories, and preſſed by the diſtreſſes cauſed by their luſt of unhallowed lucre, diſappointed but not diſcouraged, they have at length ventured completely to ſubvert all property of all deſcriptions throughout the extent of a great kingdom. They have compelled all men, in all tranſactions of commerce, in the diſpoſal of lands, in civil dealing, and through the whole communion of life, to accept as perfect payment and good and lawful tender, the ſymbols of their ſpeculations on a projected ſale of their plunder. What veſtiges of liberty or property have they left? The tenant-right of a cabbage-garden, a year's intereſt in a hovel, the good-will of an alehouſe, or a baker's ſhop, the very ſhadow of a conſtructive property, are more ceremoniouſly treated in our parliament than with you the oldeſt and moſt valuable landed poſſeſſions, in the hands of the moſt reſpectable perſonages, or than the whole body of the monied and commercial intereſt of your country. We entertain an high opinion of the legiſlative authority; but we have never dreamed that parliaments had any right whatever to violate property, to over-rule preſcription, or to force a currency of their own fiction in the place of that which is real, and recognized by the law of nations. But you, who began with refuſing to ſubmit to the moſt moderate reſtraints, have ended by eſtabliſhing an unheard-of deſpotiſm. I find the ground upon which your confiſcators go is this; Mr. Burke.

Mr. Burke. this; that indeed their proceedings could not be ſupported in a court of juſtice; but that the rule of preſcription cannot bind a legiſlative aſſembly*. So that this legiſlative aſſembly of a free nation ſits, not for the ſecurity, but for the deſtruction of property, and not of property only, but of every rule and maxim which can give it ſtability, and of thoſe inſtruments which can alone give it circulation.

When the Anabaptiſts of Munſter, in the ſixteenth century, had filled Germany with confuſion by their ſyſtem of levelling and their wild opinions concerning property, to what country in Europe did not the progreſs of their fury furniſh juſt cauſe of alarm? Of all things, wiſdom is the moſt terrified with epidemical fanaticiſm, becauſe of all enemies it is that againſt which ſhe is the leaſt able to furniſh any kind of reſource. We cannot be ignorant of the ſpirit of atheiſtical fanaticiſm, that is inſpired by a multitude of writings, diſperſed with incredible aſſiduity and expence, and by ſermons delivered in all the ſtreets and places of public reſort in Paris. Theſe writings and ſermons have filled the populace with a black and ſavage atrocity of mind, which ſuperſedes in them the common feelings of nature, as well as all ſentiments of morality and religion; inſomuch that theſe wretches are induced to bear with a ſullen patience the intolerable diſtreſſes brought

* Speech of Mr. Camus, publiſhed by order of the National Aſſembly.

upon

upon them by the violent convulſions and permu- Mr. Burke.
tations that have been made in property * ?

In every proſperous community ſomething more is produced than goes to the immediate ſupport of the producer. This ſurplus forms the income of the landed capitaliſt. It will be ſpent by a proprietor who does not labour. But this idleneſs is itſelf the ſpring of labour; this repoſe the ſpur to induſtry. The only concern of the ſtate is, that the capital taken in rent from the land ſhould

* Whether the following deſcription is ſtrictly true I know not; but it is what the publiſhers would have paſs for true, in order to animate others. In a letter from Toul, given in one of their papers, is the following paſſage concerning the people of that diſtrict: "Dans la Révolution actuelle, ils ont réſiſté à "toutes les *ſéductions du bigotiſme, aux perſécutions et aux tra-* "*caſſeries* des ennemis de la Révolution. *Oubliant leurs plus* "*grands intérêts* pour rendre hommage aux vues d'ordre général "qui ont déterminé l'Aſſemblée Nationale, ils voient, *ſans ſe* "*plaindre*, ſupprimer cette foule d'établiſſemens eccléſiaſtiques "par leſquels *ils ſubſiſtoient*; et même, en perdant leur ſiège "épiſcopal, la ſeule de toutes ces reſſources qui pouvoit, ou "plutôt *qui devoit, en toute équité*, leur être conſervée; condamnés "*à la plus effrayante misère*, ſans avoir *été ni pu être entendus, ils* "*ne murmurent point*, ils reſtent fidèles aux principes du plus pur "patriotiſme; ils ſont encore prêts à *verſer leur ſang* pour le "maintien de la conſtitution, qui va reduire leur ville *à la plus* "*déplorable nullité*." Theſe people are not ſuppoſed to have endured thoſe ſufferings and injuſtices in a ſtruggle for liberty, for the ſame account ſtates truly that they had been always free; their patience in beggary and ruin, and their ſuffering, without remonſtrance, the moſt flagrant and confeſſed injuſtice, if ſtrictly true, can be nothing but the effect of this dire fanaticiſm. A great multitude all over France is in the ſame condition and the ſame temper.

be

Mr. Burke.

be returned again to the induſtry from whence it came; and that its expenditure ſhould be with the leaſt poſſible detriment to the morals of thoſe who expend it, and to thoſe of the people to whom it is returned.

In all the views of receipt, expenditure, and perſonal employment, a ſober legiſlator would carefully compare the poſſeſſor whom he was recommended to expel, with the ſtranger who was propoſed to fill his place. Before the inconveniences are incurred which *muſt* attend all violent revolutions in property through extenſive confiſcation, we ought to have ſome rational aſſurance that the purchaſers of the confiſcated property will be in a conſiderable degree more laborious, more virtuous, more ſober, leſs diſpoſed to extort an unreaſonable proportion of the gains of the labourer, or to conſume on themſelves a larger ſhare than is fit for the meaſure of an individual, or that they ſhould be qualified to diſpenſe the ſurplus in a more ſteady and equal mode, ſo as to anſwer the purpoſes of a politic expenditure, than the old poſſeſſors, call thoſe poſſeſſors, biſhops, or canons, or commendatory abbots, or monks, or what you pleaſe. The monks are lazy. Be it ſo. Suppoſe them no otherwiſe employed than by ſinging in the choir. They are as uſefully employed as thoſe who neither ſing nor ſay. As uſefully even as thoſe who ſing upon the ſtage. They are as uſefully employed as if they worked from dawn to dark in the innumerable ſervile, degrading, unſeemly, unmanly, and often

often moſt unwholeſome and peſtiferous occupations, to which by the ſocial economy ſo many wretches are inevitably doomed. If it were not generally pernicious to diſturb the natural courſe of things, and to impede, in any degree, the great wheel of circulation which is turned by the ſtrangely directed labour of theſe unhappy people, I ſhould be infinitely more inclined forcibly to reſcue them from their miſerable induſtry, than violently to diſturb the tranquil repoſe of monaſtic quietude. Humanity, and perhaps policy, might better juſtify me in the one than in the other. It is a ſubject on which I have often reflected, and never reflected without feeling from it. I am ſure that no conſideration, except the neceſſity of ſubmitting to the yoke of luxury, and the deſpotiſm of fancy, who in their own imperious way will diſtribute the ſurplus product of the ſoil, can juſtify the toleration of ſuch trades and employments in a well-regulated ſtate. But, for this purpoſe of diſtribution, it ſeems to me, that the idle expences of monks are quite as well directed as the idle expences of us lay-loiterers. Mr. Burke.

When the advantages of the poſſeſſion, and of the project, are on a par, there is no motive for a change. But in the preſent caſe, perhaps they are not upon a par, and the difference is in favour of the poſſeſſion. It does not appear to me, that the expences of thoſe whom you are going to expel, do, in fact, take a courſe ſo directly and ſo generally leading to vitiate and degrade, and render miſerable

Mr Burke. miſerable thoſe through whom they paſs, at
expences of thoſe favourites whom you are intru
ing into their houſes. Why ſhould the expenditu
of a great landed property, which is a diſperſion
the ſurplus product of the ſoil, appear intolerabl
to you or to me, when it takes its courſe throug
the accumulation of vaſt libraries, which are th
hiſtory of the force and weakneſs of the human
mind; through great collections of ancient re-
cords, medals, and coins, which atteſt and explain
laws and cuſtoms; through paintings and ſtatues,
that, by imitating nature, ſeem to extend the li-
mits of creation; through grand monuments of
the dead, which continue the regards and con-
nections of life beyond the grave; through collec-
tions of the ſpecimens of nature, which become a
repreſentative aſſembly of all the claſſes and fami-
lies of the world, that by diſpoſition facilitate,
and, by exciting curioſity, open the avenues to
ſcience? If, by great permanent eſtabliſhments,
all theſe objects of expence are better ſecured from
the inconſtant ſport of perſonal caprice and per-
ſonal extravagance, are they worſe than if the
ſame taſtes prevailed in ſcattered individuals?
Does not the ſweat of the maſon and carpenter,
who toil in order to partake the ſweat of the peaſant,
flow as pleaſantly and as ſalubriouſly, in the con-
ſtruction and repair of the majeſtic edifices of re-
ligion, as in the painted booths and ſordid ſties of
vice and luxury; as honourably and as profitably
in repairing thoſe ſacred works, which grow hoary
with

with innumerable years, as on the momentary receptacles of tranſient voluptuouſneſs; in opera-houſes, and brothels, and gaming-houſes, and club-houſes, and obeliſks in the Champ de Mars? Is the ſurplus product of the olive and the vine worſe employed in the frugal ſuſtenance of perſons, whom the fictions of a pious imagination raiſe to dignity by conſtruing in the ſervice of God, than in pampering the innumerable multitude of thoſe who are degraded by being made uſeleſs domeſtics ſubſervient to the pride of man? Are the decorations of temples an expenditure leſs worthy a wiſe man than ribbons, and laces, and national cockades, and petites maiſons, and petits ſoupers, and all the innumerable fopperies and follies in which opulence ſports away the burthen of its ſuperfluity? Mr. Burke.

We tolerate even theſe; not from love of them, but for fear of worſe. We tolerate them, becauſe property and liberty, to a degree, require that toleration. But why proſcribe the other, and ſurely, in every point of view, the more laudable uſe of eſtates? Why, through the violation of all property, through an outrage upon every principle of liberty, forcibly carry them from the better to the worſe?

This compariſon between the new individuals and the old corps is made upon a ſuppoſition that no reform could be made in the latter. But in a queſtion of reformation, I always conſider corporate bodies, whether ſole or conſiſting of many, to

Mr. Burke. to be much more ſuſceptible of a public direction by the power of the ſtate, in the uſe of their property, and in the regulation of modes and habit of life in their members, than private citizens ever can be, or perhaps ought to be; and this ſeems to me a very material conſideration for thoſe who undertake any thing which merits the name of a politic enterprize.—So far as to the eſtates of monaſteries.

With regard to the eſtates poſſeſſed by biſhops and canons, and commendatory abbots, I cannot find out for what reaſon ſome landed eſtates may not be held otherwiſe than by inheritance. Can any philoſophic ſpoiler undertake to demonſtrate the poſitive or the comparative evil, of having a certain, and that too a large portion of landed property, paſſing in ſucceſſion through perſons whoſe title to it is, always in theory, and often in fact, an eminent degree of piety, morals, and learning; a property which, by its deſtination, in their turn, and on the ſcore of merit, gives to the nobleſt families renovation and ſupport, to the loweſt, the means of dignity and elevation; a property, the tenure of which is the performance of ſome duty (whatever value you may chooſe to ſet upon that duty), and the character of whoſe proprietors demands at leaſt an exterior decorum and gravity of manners; who are to exerciſe a generous but temperate hoſpitality; part of whoſe income they are to conſider as a truſt for charity; and who, even when they fail in their truſt, when they ſlide from

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their character, and degenerate into a mere common ſecular nobleman or gentleman, are in no reſpect worſe than thoſe who may ſucceed them in their forfeited poſſeſſions? Is it better that eſtates ſhould be held by thoſe who have no duty than by thoſe who have one?—by thoſe whoſe character and deſtination point to virtues, than by thoſe who have no rule and direction in the expenditure of their eſtates but their own will and appetite? Nor are theſe eſtates held together in the character or with the evils ſuppoſed inherent in mortmain. They paſs from hand to hand with a more rapid circulation than any other. No exceſs is good; and therefore too great a proportion of landed property may be held officially for life; but it does not ſeem to me of material injury to any commonwealth, that there ſhould exiſt ſome eſtates that have a chance of being acquired by other means than the previous acquiſition of money. Mr. Burke.

It is from our attachment to a church eſtabliſhment that the Engliſh nation did not think it wiſe to entruſt that great fundamental intereſt of the whole to what they truſt no part of their civil or military public ſervice, that is, to the unſteady and precarious contribution of individuals. They go further. They certainly never have ſuffered, and never will ſuffer, the fixed eſtate of the church to be converted into a penſion, to depend on the treaſury, and to be delayed, withheld, or perhaps to be extinguiſhed by fiſcal difficulties; which

Mr. Burke. difficulties may ſometimes be pretended for political purpoſes, and are in fact often brought on by the extravagance, negligence, and rapacity of politicians. The people of England think that they have conſtitutional motives, as well as religious, againſt any project of turning their independent clergy into eccleſiaſtical penſioners of ſtate. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquillity, from the diſorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their church, like their king and their nobility, independent.

From the united conſiderations of religion and conſtitutional policy, from their opinion of a duty to make a ſure proviſion for the conſolation of the feeble and the inſtruction of the ignorant, they have incorporated and identified the eſtate of the church with the maſs of *private property*, of which the ſtate is not the proprietor, either for uſe or dominion, but the guardian only and the regulator. They have ordained that the proviſion of this eſtabliſhment might be as ſtable as the earth on which it ſtands, and ſhould not fluctuate with the Euripus of funds and actions.

The men of England, the men, I mean, of light and leading in England, whoſe wiſdom (if they have any) is open and direct, would be aſhamed, as of a ſilly deceitful trick, to profeſs any religion in name, which by their proceedings they appeared

peared to contemn. If by their conduct (the only language that rarely lies) they ſeemed to regard the great ruling principle of the moral and the natural world, as a mere invention to keep the vulgar in obedience, they apprehend that by ſuch a conduct they would defeat the politic purpoſe they have in view. They would find it difficult to make others to believe in a ſyſtem to which they manifeſtly gave no credit themſelves. The Chriſtian ſtateſmen of this land would indeed firſt provide for the *multitude*; becauſe it is the *multitude*; and is therefore, as ſuch, the firſt object in the eccleſiaſtical inſtitution, and in all inſtitutions. They have been taught, that the circumſtance of the goſpel's being preached to the poor, was one of the great teſts of its true miſſion. They think, therefore, that thoſe do not believe it, who do not take care it ſhould be preached to the poor. But as they know that charity is not confined to any one deſcription, but ought to apply itſelf to all men who have wants, they are not deprived of a due and anxious ſenſation of pity to the diſtreſſes of the miſerable great. They are not repelled through a faſtidious delicacy, at the ſtench of their arrogance and preſumption, from a medicinal attention to their mental blotches and running ſores. They are ſenſible, that religious inſtruction is of more conſequence to them than to any others; from the greatneſs of the temptation to which they are expoſed; from the important conſequences that attend their faults;

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from the contagion of their ill example; from the neceſſity of bowing down the ſtubborn neck of their pride and ambition to the yoke of moderation and virtue; from a conſideration of the fat ſtupidity and groſs ignorance concerning what imports men moſt to know, which prevails at courts, and at the head of armies, and in ſenates, as much as at the loom and in the field.

The Engliſh people are ſatisfied, that to the great the conſolations of religion are as neceſſary as its inſtructions. They too are among the unhappy. They feel perſonal pain and domeſtic ſorrow. In theſe they have no privilege, but are ſubject to pay their full contingent to the contributions levied on mortality. They want this ſovereign balm under their gnawing cares and anxieties, which being leſs converſant about the limited wants of animal life, range without limit, and are diverſified by infinite combinations in the wild and unbounded regions of imagination. Some charitable dole is wanting to theſe our often very unhappy brethren, to fill the gloomy void that reigns in minds which have nothing on earth to hope or fear; ſomething to relieve in the killing languor and over-laboured laſſitude of thoſe who have nothing to do; ſomething to excite an appetite to exiſtence in the palled ſatiety which attends on all pleaſures which may be bought, where nature is not left to her own proceſs, where even deſire is anticipated, and therefore fruition defeated by meditated ſchemes and contrivances

trivances of delight; and no interval, no obſtacle, is interpoſed between the wiſh and the accompliſhment. Mr. Burke.

The people of England know how little influence the teachers of religion are likely to have with the wealthy and powerful of long ſtanding, and how much leſs with the newly fortunate, if they appear in a manner no way aſſorted to thoſe with whom they muſt aſſociate, and over whom they muſt even exerciſe, in ſome caſes, ſomething like an authority. What muſt they think of that body of teachers, if they ſee it in no part above the eſtabliſhment of their domeſtic ſervants? If the poverty were voluntary, there might be ſome difference. Strong inſtances of ſelf-denial operate powerfully on our minds; and a man who has no wants has obtained great freedom and firmneſs, and even dignity. But as the maſs of any deſcription of men are but men, and their poverty cannot be voluntary, that diſreſpect which attends upon all lay poverty will not depart from the eccleſiaſtical. Our provident conſtitution has therefore taken care that thoſe who are to inſtruct preſumptuous ignorance, thoſe who are to be cenſors over inſolent vice, ſhould neither incur their contempt, nor live upon their alms; nor will it tempt the rich to a neglect of the true medicine of their minds. For theſe reaſons, whilſt we provide firſt for the poor, and with a parental ſolicitude, we have not relegated religion (like ſomething we were aſhamed to ſhew) to obſcure municipalities

Mr. Burke. or ruſtic villages. No! We will have her to exalt her mitred front in courts and parliaments. We will have her mixed throughout the whole maſs of life, and blended with all the claſſes of ſociety. The people of England will ſhew to the haughty potentates of the world, and to their talking ſophiſters, that a free, a generous, an informed nation honours the high magiſtrates of its church; that it will not ſuffer the inſolence of wealth and titles, or any other ſpecies of proud pretenſion, to look down with ſcorn upon what they look up to with reverence; nor preſume to trample on that acquired perſonal nobility, which they intend always to be, and which often is the fruit, not the reward (for what can be the reward?), of learning, piety, and virtue. They can ſee, without pain or grudging, an archbiſhop precede a duke. They can ſee a biſhop of Durham, or a biſhop of Wincheſter, in poſſeſſion of ten thouſand pounds a year; and cannot conceive why it is in worſe hands than eſtates to the like amount in the hands of this earl, or that 'ſquire; although it may be true, that ſo many dogs and horſes are not kept by the former, and fed with the victuals which ought to nouriſh the children of the people. It is true, the whole church revenue is not always employed, and to every ſhilling, in charity; nor perhaps ought it; but ſomething is generally ſo employed. It is better to cheriſh virtue and humanity, by leaving much to free will, even with ſome loſs to the object, than to attempt to make

men mere machines and inſtruments of a political benevolence. The world on the whole will gain by a liberty, without which virtue cannot exiſt. Mr. Burke.

When once the commonwealth has eſtabliſhed the eſtates of the church as property, it can, conſiſtently, hear nothing of the more or the leſs. Too much and too little are treaſon againſt property. What evil can ariſe from the quantity in any hand, whilſt the ſupreme authority has the full, ſovereign ſuperintendence over this, as over all property, to prevent every ſpecies of abuſe; and, whenever it notably deviates, to give to it a direction agreeable to the purpoſes of its inſtitution?

In England, moſt of us conceive that it is envy and malignity towards thoſe who are often the beginners of their own fortune, and not a love of the ſelf-denial and mortification of the ancient church, that makes ſome look aſkance at the diſtinctions, and honours, and revenues, which, taken from no perſon, are ſet apart for virtue. The ears of the people of England are diſtinguiſhing. They hear theſe men ſpeak broad. Their tongue betrays them. Their language is in the *patois* of fraud; in the cant and gibberiſh of hypocriſy. The people of England muſt think ſo, when theſe praters affect to carry back the clergy to that primitive evangelic poverty which, in the ſpirit, ought always to exiſt in them (and in us too, however we may like it), but in the thing muſt be varied, when the relation of that body

Mr. Burke. to the ſtate is altered; when manners, when modes of life, when indeed the whole order of human affairs has undergone a total revolution. We ſhall believe thoſe reformers to be then honeſt enthuſiaſts, not as now we think them, cheats and deceivers, when we ſee them throwing their own goods into common, and ſubmitting their own perſons to the auſtere diſcipline of the early church.

With theſe ideas rooted in their minds, the commons of Great Britain, in the national emergencies, will never ſeek their reſource from the confiſcation of the eſtates of the church and poor. Sacrilege and proſcription are not among the ways and means in our committee of ſupply. The Jews in 'Change Alley have not yet dared to hint their hopes of a mortgage on the revenues belonging to the ſee of Canterbury. I am not afraid that I ſhall be diſavowed, when I aſſure you that there is not *one* public man in this kingdom, whom you would wiſh to quote; no not one of any party or deſcription, who does not reprobate the diſhoneſt, perfidious, and cruel confiſcation which the national aſſembly has been compelled to make of that property which it was their firſt duty to protect.

It is with the exultation of a little national pride I tell you, that thoſe amongſt us who have wiſhed to pledge the ſocieties of Paris in the cup of their abominations, have been diſappointed. The robbery of your church has proved a ſecurity to the poſſeſſions of ours. It has rouſed the people. They

ſee

ſee with horror and alarm that enormous and ſhameleſs act of proſcription. It has opened, and will more and more open their eyes upon the ſelfiſh enlargement of mind, and the narrow liberality of ſentiment, of inſidious men, which commencing in cloſe hypocriſy and fraud have ended in open violence and rapine. At home we behold ſimilar beginnings. We are on our guard againſt ſimilar concluſions. Mr. Burke.

I hope we ſhall never be ſo totally loſt to all ſenſe of the duties impoſed upon us by the law of ſocial union, as, upon any pretext of public ſervice, to confiſcate the goods of a ſingle unoffending citizen. Who but a tyrant (a name expreſſive of every thing which can vitiate and degrade human nature) could think of ſeizing on the property of men, unaccuſed, unheard, untried, by whole deſcriptions, by hundreds and thouſands together? Who that had not loſt every trace of humanity could think of caſting down men of exalted rank and ſacred function, ſome of them of an age to call at once for reverence and compaſſion—of caſting them down from the higheſt ſituation in the commonwealth, wherein they were maintained by their own landed property, to a ſtate of indigence, depreſſion, and contempt?

The confiſcators truly have made ſome allowance to their victims from the ſcraps and fragments of their own tables from which they have been ſo harſhly driven, and which have been ſo bountifully ſpread for a feaſt to the harpies of uſury. But

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Mr. Burke. to drive men from independence to live on alms, is itſelf great cruelty. That which might be a tolerable condition to men in one ſtate of life, and not habituated to other things, may, when all theſe circumſtances are altered, be a dreadful revolution; and one to which a virtuous mind would feel pain in condemning any guilt except that which would demand the life of the offender. But to many minds this puniſhment of *degradation* and *infamy* is worſe than death. Undoubtedly it is an infinite aggravation of this cruel ſuffering, that the perſons who were taught a double prejudice in favour of religion, by education and by the place they held in the adminiſtration of its functions, are to receive the remnants of their property as alms from the profane and impious hands of thoſe who had plundered them of all the reſt; to receive (if they are at all to receive), not from the charitable contributions of the faithful, but from the inſolent tenderneſs of known and avowed atheiſm, the maintenance of religion, meaſured out to them on the ſtandard of the contempt in which it is held; and for the purpoſe of rendering thoſe who receive the allowance vile, and of no eſtimation in the eyes of mankind.

But this act of ſeizure of property, it ſeems, is a judgment in law, and not a confiſcation. They have, it ſeems, found out in the academies of the *Palais Royal* and the *Jacobins*, that certain men had no right to the poſſeſſions which they held under law, uſage, the deciſions of courts, and the accumu-

accumulated preſcription of a thouſand years. They ſay that eccleſiaſtics are fictitious perſons, creatures of the ſtate; whom at pleaſure they may deſtroy, and of courſe limit and modify in every particular; that the goods they poſſeſs are not properly theirs, but belong to the ſtate which created the fiction; and we are therefore not to trouble ourſelves with what they may ſuffer in their natural feelings and natural perſons, on account of what is done towards them in this their conſtructive character. Of what import is it, under what names you injure men, and deprive them of the juſt emoluments of a profeſſion, in which they were not only permitted but encouraged by the ſtate to engage; and upon the ſuppoſed certainty of which emoluments they had formed the plan of their lives, contracted debts, and led multitudes to an entire dependence upon them? Mr. Burke.

You do not imagine, ſir, that I am going to compliment this miſerable diſtinction of perſons with any long diſcuſſion. The arguments of tyranny are as contemptible as its force is dreadful. Had not your confiſcators by their early crimes obtained a power which ſecures indemnity to all the crimes of which they have ſince been guilty, or that they can commit; it is not the ſyllogiſm of the logician, but the laſh of the executioner, that would have refuted a ſophiſtry which becomes an accomplice of theft and murder. The ſophiſtic tyrants of Paris are loud in their declamations againſt the departed regal tyrants who in former ages

Mr. Burke. ages have vexed the world. They are thus bold, because they are ſafe from the dungeons and iron cages of their old maſters. Shall we be more tender of the tyrants of our own time, when we ſee them acting worſe tragedies under our eyes? Shall we not uſe the ſame liberty that they do, when we can uſe it with the ſame ſafety; when to ſpeak honeſt truth only requires a contempt of the opinions of thoſe whoſe actions we abhor?

This outrage on all the rights of property was at firſt covered with what, on the ſyſtem of their conduct, was the moſt aſtoniſhing of all pretexts—a regard to national faith. The enemies to property at firſt pretended a moſt tender, delicate, and ſcrupulous anxiety for keeping the king's engagements with the public creditor. Theſe profeſſors of the rights of men are ſo buſy in teaching others, that they have not leiſure to learn any thing themſelves; otherwiſe they would have known that it is to the property of the citizen, and not to the demands of the creditor of the ſtate, that the firſt and original faith of civil ſociety is pledged. The claim of the citizen is prior in time, paramount in title, ſuperior in equity. The fortunes of individuals, whether poſſeſſed by acquiſition or by deſcent, or in virtue of a participation in the goods of ſome community, were no part of the creditor's ſecurity, expreſſed or implied. They never ſo much as entered into his head when he made his bargain. He well knew that the public, whether repreſented by a monarch, or by a

ſenate, can pledge nothing but the public eſtate; and it can have no public eſtate, except in what it derives from a juſt and proportioned impoſition upon the citizens at large. This was engaged, and nothing elſe could be engaged, to the public creditor. No man can mortgage his injuſtice as a pawn for his fidelity. Mr. Burke.

Was the public eſtate a ſufficient ſtake for the public debts? Aſſume that it was not, and that a loſs *muſt* be incurred ſomewhere—when the only eſtate lawfully poſſeſſed, and which the contracting parties had in contemplation at the time in which their bargain was made, happens to fail, who, according to the principles of natural and legal equity, ought to be the ſufferer? Certainly it ought to be either the party who truſted, or the party who perſuaded him to truſt, or both; and not third parties who had no concern with the tranſaction. Upon any inſolvency, they ought to ſuffer who were weak enough to lend upon bad ſecurity, or they who fraudulently held out a ſecurity that was not valid. Laws are acquainted with no other rules of deciſion. But by the new inſtitute of the rights of men, the only perſons, who in equity ought to ſuffer, are the only perſons who are to be ſaved harmleſs: thoſe are to anſwer the debt who neither were lenders or borrowers, mortgagers or mortgagees.

What had the clergy to do with theſe tranſactions? What had they to do with any public engagement further than the extent of their own debt? To that, to be ſure, their eſtates were bound

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rke. to the laſt acre. Nothing can lead more to the true ſpirit of the aſſembly, which ſits for public confiſcation, with its new equity and its new morality, than an attention to their proceeding with regard to this debt of the clergy. The body of confiſcators, true to that moneyed intereſt for which they were falſe to every other, have found the clergy competent to incur a legal debt. Of courſe they declared them legally entitled to the property which their power of incurring the debt, and mortgaging the eſtate, implied; recognizing the rights of thoſe perſecuted citizens, in the very act in which they were thus groſsly violated.

If, as I ſaid, any perſons are to make good deficiencies to the public creditor, beſides the public at large, they muſt be thoſe who managed the agreement. Why, therefore, are not the eſtates of all the comptrollers general confiſcated? why not thoſe of the long ſucceſſion of miniſters, financiers, and bankers, who have been enriched whilſt the nation was impoveriſhed by their dealings and their counſels? Why is not the eſtate of Mr. Laborde declared forfeited, rather than that of the archbiſhop of Paris, who has had nothing to do in the creation or in the jobbing of the public funds? Or, if you muſt confiſcate old landed eſtates in favour of the money-jobbers—why is the penalty confined to one deſcription? I do not know whether the expences of the duke de Choiſeul have left any thing of the infinite ſums which he had derived from the bounty of his maſter, during the tranſactions of a reign

reign which contributed largely, by every ſpecies of prodigality in war and peace, to the preſent debt of France. If any ſuch remains, why is not this confiſcated? I remember to have been in Paris during the time of the old government. I was there juſt after the duke d'Aiguillon had been ſnatched (as it was generally thought) from the block by the hand of a protecting deſpotiſm. He was a miniſter, and had ſome concern in the affairs of that prodigal period. Why do I not ſee his eſtate delivered up to the municipalities in which it is ſituated? The noble family of Noailles have long been ſervants (meritorious ſervants, I admit) to the crown of France, and have had of courſe ſome ſhare in its bounties. Why do I hear nothing of the application of their eſtates to the public debt? Why is the eſtate of the duke de Rochefoucault more ſacred than that of the cardinal de Rochefoucault? The former is, I doubt not, a worthy perſon; and (if it were not a ſort of profaneneſs to talk of the uſe, as affecting the title to property) he makes a good uſe of his revenues; but it is no diſreſpect to him to ſay, what authentic information well warrants me in ſaying, that the uſe made of a property equally valid, by his brother the cardinal archbiſhop of Rouen, was far more laudable and far more public-ſpirited. Can one hear of the proſcription of ſuch perſons, and the confiſcation of their effects, without indignation and horror? He is not a man who does not feel ſuch emotions on

Mr. Burke.

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Mr. Burke. ſuch occaſions. He does not deſerve the name of a free man who will not expreſs them.

Few barbarous conquerors have ever made ſo terrible a revolution in property. None of the heads of the Roman factions, when they eſtabliſhed "*crudelem illam haſtam*" in all their auctions of rapine, have ever ſet up to ſale the goods of the conquered citizen to ſuch an enormous amount. It muſt be allowed, in favour of thoſe tyrants of antiquity, that what was done by them could hardly be ſaid to be done in cold blood. Their paſſions were inflamed, their tempers ſoured, their underſtandings confuſed, with the ſpirit of revenge, with the innumerable reciprocated and recent inflictions and retaliations of blood and rapine. They were driven beyond all bounds of moderation, by the apprehenſion of the return of power with the return of property to the families of thoſe they had injured beyond all hope of forgiveneſs.

Theſe Roman confiſcators, who were yet only in the elements of tyranny, and were not inſtructed in the rights of men to exerciſe all ſorts of cruelties on each other without provocation, thought it neceſſary to ſpread a ſort of colour over their injuſtice. They conſidered the vanquiſhed party as compoſed of traitors who had borne arms, or otherwiſe had acted with hoſtility againſt the commonwealth. They regarded them as perſons who had forfeited their property by their crimes. With you, in your improved ſtate of the human mind, there was no ſuch formality. You ſeized upon five

five millions ſterling of annual rent, and turned forty or fifty thouſand human creatures out of their houſes, becauſe " ſuch was your pleaſure." The tyrant, Harry the Eighth of England, as he was not better enlightened than the Roman Mariuſes and Syllas, and had not ſtudied in your new ſchools, did not know what an effectual inſtrument of deſpotiſm was to be found in that grand magazine of offenſive weapons, the rights of men. When he reſolved to rob the abbeys, as the club of the Jacobins have robbed all the eccleſiaſtics, he began by ſetting on foot a commiſſion to examine into the crimes and abuſes which prevailed in thoſe communities. As it might be expected, his commiſſion reported truths, exaggerations, and falſehoods. But, truly or falſely, it reported abuſes and offences. However, as abuſes might be corrected, as every crime of perſons does not infer a forfeiture with regard to communities, and as property, in that dark age, was not diſcovered to be a creature of prejudice, all thoſe abuſes (and there were enough of them) were hardly thought ſufficient ground for ſuch a confiſcation as it was for his purpoſes to make. He therefore procured the formal ſurrender of theſe eſtates. All theſe operoſe proceedings were adopted by one of the moſt decided tyrants in the rolls of hiſtory, as neceſſary preliminaries, before he could venture, by bribing the members of his two ſervile houſes with a ſhare of the ſpoil, and holding out to them an eternal im-

Mr. Burke.

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Perhaps perſons unacquainted with the ſtate of France, on hearing the clergy and the nobleſſe were privileged in point of taxation, may be led to imagine, that previous to the revolution theſe bodies had contributed nothing to the ſtate. This is a great miſtake. They certainly did not contribute equally with each other, nor either of them equally with the commons. They both however, contributed largely. Neither nobility nor clergy enjoyed any exemption from the exciſe on conſumable commodities, from duties of cuſtom, or from any of the other numerous *indirect* impoſitions, which in France as well as here make ſo very large a proportion of all payments to the public. The nobleſſe paid the capitation. They paid alſo a land-tax, called the twentieth penny, to the height ſometimes of three, ſometimes of four ſhillings in the pound; both of them *direct* impoſitions of no light nature, and no trivial produce. The clergy of the provinces annexed by conqueſt to France (which in extent make about an eighth part of the whole, but in wealth a much larger proportion) paid likewiſe to the capitation and the twentieth penny,

penny, at the rate paid by the nobility. The clergy in the old provinces did not pay the capitation; but they had redeemed themſelves at the expence of about 24 millions, or a little more than a million ſterling. They were exempted from the twentieths; but then they made free gifts; they contracted debts for the ſtate; and they were ſubject to ſome other charges, the whole computed at about a thirteenth part of their clear income. They ought to have paid annually about forty thouſand pounds more, to put them on a par with the contribution of the nobility. Mr. Burke.

When the terrors of this tremendous proſcription hung over the clergy, they made an offer of a contribution, through the archbiſhop of Aix, which, for its extravagance, ought not to have been accepted. But it was evidently and obviouſly more advantageous to the public creditor, than any thing which could rationally be promiſed by the confiſcation. Why was it not accepted? The reaſon is plain—There was no deſire that the church ſhould be brought to ſerve the ſtate. The ſervice of the ſtate was made a pretext to deſtroy the church. In their way to the deſtruction of the church they would not ſcruple to deſtroy their country: and they have deſtroyed it. One great end in the project would have been defeated, if the plan of extortion had been adopted in lieu of the ſcheme of confiſcation. The new landed intereſt connected with the new republic, and connected with it for

Mr. Burke. its very being, could not have been created. This was among the reaſons why that extravagant ranſom was not accepted.

The madneſs of the project of confiſcation, on the plan that was firſt pretended, ſoon became apparent. To bring this unwieldy maſs of landed property, enlarged by the confiſcation of all the vaſt landed domain of the crown, at once into market, was obviouſly to defeat the profits propoſed by the confiſcation, by depreciating the value of thoſe lands, and indeed of all the landed eſtates throughout France. Such a ſudden diverſion of all its circulating money from trade to land, muſt be an additional miſchief. What ſtep was taken? Did the aſſembly, on becoming ſenſible of the inevitable ill effects of their projected ſale, revert to the offers of the clergy? No diſtreſs could oblige them to travel in a courſe which was diſgraced by any appearance of juſtice. Giving over all hopes from a general immediate ſale, another project ſeems to have ſucceeded. They propoſed to take ſtock in exchange for the church lands. In that project great difficulties aroſe in equalizing the objects to be exchanged. Other obſtacles alſo preſented themſelves, which threw them back again upon ſome project of ſale. The municipalities had taken an alarm. They would not hear of transferring the whole plunder of the kingdom to the ſtock-holders in Paris. Many of thoſe municipalities had been (upon ſyſtem) reduced

to

to the moſt deplorable indigence. Money was no where to be ſeen. They were therefore led to the point that was ſo ardently deſired. They panted for a currency of any kind which might revive their periſhing induſtry. The municipalities were then to be admitted to a ſhare in the ſpoil, which evidently rendered the firſt ſcheme (if ever it had been ſeriouſly entertained) altogether impracticable. Public exigencies preſſed upon all ſides. The miniſter of finance reiterated his call for ſupply with a moſt urgent, anxious, and boding voice. Thus preſſed on all ſides, inſtead of the firſt plan of converting their bankers into biſhops and abbots, inſtead of paying the old debt, they contracted a new debt, at 3 per cent. creating a new paper currency, founded on an eventual ſale of the church lands. They iſſued this paper currency to ſatisfy in the firſt inſtance chiefly the demands made upon them by the *bank of diſcount*, the great machine, or paper-mill, of their fictitious wealth. Mr. Burke.

The ſpoil of the church was now become the only reſource of all their operations in finance; the vital principle of all their politics; the ſole ſecurity for the exiſtence of their power. It was neceſſary, by all even the moſt violent means, to put every individual on the ſame bottom, and to bind the nation in one guilty intereſt to uphold this act, and the authority of thoſe by whom it was done. In order to force the moſt reluctant into a partici-

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pation of their pillage, they rendered their paper circulation compulſory in all payments. Thoſe who conſider the general tendency of their ſchemes to this one object as a centre, and a centre from which afterwards all their meaſures radiate, will not think that I dwell too long upon this part of the proceedings of the national aſſembly.

Mr. MACKINTOSH.

"*ARE the lands occupied by the church, the property of its members?*"—Various conſiderations preſent themſelves, which may elucidate the ſubject: Vindiciæ Gallicæ.

Firſt—It has not hitherto been ſuppoſed that any claſs of public ſervants are proprietors.—They are *ſalaried* by the ſtate for the performance of certain duties.—Judges are *paid* for the diſtribution of juſtice:—*kings*, for execution of the laws:—ſoldiers, where there is a mercenary army, for public defence:—and prieſts, where there is an eſtabliſhed religion, for public inſtruction. The mode of their *payment* is indifferent to the queſtion. It is generally in rude ages by land, and in cultivated periods by money. But a *territorial penſion* is no more property than a *pecuniary one*. The right of the ſtate to regulate the ſalaries of thoſe ſervants whom it pays in money has not been diſputed. But if it has *choſen to provide the revenue of a certain portion of land for the ſalary of another claſs of ſervants*, wherefore is its right more diſputable to reſume that land, and to eſtabliſh a new mode of payment? In the early hiſtory of Europe, before fiefs became hereditary, great landed eſtates were beſtowed by the ſovereign, on condition of military ſervice. By a ſimilar tenure did the church hold its lands. No man can prove, that, becauſe the ſtate has intruſted

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its eccleſiaſtical ſervants with a portion of land, as the ſource and ſecurity of their *penſions*, they are in any reſpect more the *proprietors* of it, than the other ſervants of the ſtate are of that portion of the revenue from which they are paid.

II. The lands of the church poſſeſs not the moſt ſimple and indiſpenſable requiſites of property. They are not even pretended to be held for the *benefit* of thoſe who enjoy them. This is the obvious criterion between private property and a penſion for public ſervice. The deſtination of the firſt is avowedly the comfort and happineſs of the *individual* who enjoys it; as he is conceived to be the ſole judge of this happineſs, he poſſeſſes the moſt unlimited rights of enjoyment, alienation, and even abuſe: but the lands of the church, deſtined for the ſupport of public ſervants, exhibited none of the characters of property; they were inalienable; becauſe it would have been not leſs abſurd for the prieſthood to have exerciſed ſuch authority over theſe lands, than it would be for ſeamen to claim the property of a fleet which they manned, or ſoldiers that of a fortreſs they garriſoned.

III. It is confeſſed that no individual prieſt was a proprietor, and it is not denied that his utmoſt claim was limited to a poſſeſſion for life of his ſtipend. If all the prieſts, taken *individually*, were not proprietors, the prieſthood, as a *body*, cannot claim any ſuch right. For what is a *body*, but an aggregate of individuals? and what new right can be conveyed by a mere change of name?—Nothing can

can ſo forcibly illuſtrate this argument as the caſe of other corporations. They are voluntary aſſociations of men for their own benefit. Every member of them is an abſolute ſharer in their property; it is therefore alienated and inherited. Corporate property is here as ſacred as individual, becauſe in the ultimate analyſis it is the ſame. But the prieſthood is a corporation endowed by the country, and deſtined for the benefit of other men. It is hence that the members have no *ſeparate*, nor the body any *collective*, right of property. They are only entruſted with the *adminiſtration* of the lands from which their *ſalaries* are paid *. Mr. Mackintoſh.

IV. It is from this laſt circumſtance that their *legal ſemblance* of property ariſes. In charters, bonds, and all other proceedings of law, they are treated with the ſame formalities as real property. "They are identified," ſays Mr. Burke, "with the maſs of private property;" and it muſt be confeſſed, that if we are to limit our view to forms, this language is correct. But the repugnance of theſe formalities to legal truth proceeded from a very obvious cauſe. If eſtates are veſted in the clergy, to them moſt unqueſtionably ought to be entruſted the protection of theſe eſtates in all conteſts at law; and actions for that purpoſe can only be maintained with facility, ſimplicity, and effect,

* This admits a familiar illuſtration. If a landholder chooſes to pay his ſteward for the collection of his rents, by permitting him to poſſeſs a farm *gratis*, is he conceived to have reſigned his *property* in the farm? The caſe is preciſely ſimilar.

by

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by the *fiction* of their being proprietors. Nor is this the only caſe in which the ſpirit and the forms of law are at variance reſpecting property. Scotland, where lands ſtill are held by *feudal* tenures, will afford us a remarkable example. There, if we extend our views no further than legal forms, the *ſuperior* is to be regarded as the proprietor, while the real proprietor appears to be only a tenant for life. Such is the language of the charter by which he obtains a legal right to his eſtate. In this caſe, the vaſſal is *formally* ſtript of the property which he in fact enjoys. In the other, the church is *formally* inveſted with a property, to which in reality it had no claim. The argument of *preſcription* will appear to be altogether untenable, *for preſcription implies a certain period during which the rights of property had been exerciſed*; but in the caſe before us they *never* were exerciſed, becauſe they never could be ſuppoſed to exiſt. It muſt be proved that theſe poſſeſſions were of the nature of property, before it can follow that they are protected by preſcription; and to plead it is to take for granted the queſtion in diſpute. If they never were property, no length of time can change their nature *.

V. When

* There are perſons who may not reliſh the mode of reaſoning here adopted: they contend that property, being the creature of civil ſociety, may be reſumed by that public will which created it, and on this principle they juſtify the national aſſembly of France. But ſuch a juſtification is adverſe to the principles of that aſſembly; for they have conſecrated it as one of the firſt maxims

V. When the Britiſh Iſlands, the Dutch Republic, the German and Scandinavian States, reformed their eccleſiaſtical eſtabliſhments, the howl of ſacrilege was the only armour by which the church attempted to protect its pretended property. The age was too tumultuous and unlettered for diſcuſſions of abſtract juriſprudence. The clamour of ſacrilege ſeems, however, to have fallen into early contempt. The treaty of Weſtphalia ſecularized many of the moſt opulent benefices of Germany, under the mediation and guarantee of the firſt catholic powers of Europe. In our own iſland, on the abolition of epiſcopacy in Scotland at the revolution, the revenues of the church peaceably Mr. Mackin ſh.

maxims of their declaration of rights, that the ſtate cannot violate property, except in caſes of urgent neceſſity, and on condition of previous indemnification. This defence too will not juſtify their ſelection of church property, in preference of all others, for reſumption. It certainly ought in this view to have fallen equally on all citizens. The principle is beſides falſe in the extreme to which it is aſſumed. *Property* is, indeed, *in ſome ſenſes* created by an act of the public will; but it is by one of thoſe *fundamental* acts which conſtitute ſociety. Theory proves it to be eſſential to the ſocial ſtate. Experience proves that it has, in ſome degree, exiſted in every age and nation of the world. But thoſe public acts which form and endow corporations, are ſubſequent and ſubordinate. They are only *ordinary expedients* of legiſlation. The property of individuals is eſtabliſhed on a *general principle*, which ſeems coeval with civil ſociety itſelf. But *bodies* are inſtruments fabricated by the legiſlator for a *ſpecific* purpoſe, which ought to be preſerved while they are beneficial, amended when they are impaired, and rejected when they become uſeleſs or injurious.

devolved

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devolved on the ſovereign, and he devoted a portion of them to the ſupport of the new eſtabliſhment. When, at a ſtill later period, the Jeſuits were ſuppreſſed in moſt catholic monarchies, the wealth of that formidable and opulent body was every where ſeized by the ſovereign. In all theſe memorable examples, no traces are to be diſcovered of the pretended property of the church. The ſalaries of a claſs of public ſervants are, in all theſe caſes, reſumed by the ſtate, when it ceaſes to deem their ſervice, or the mode of it, uſeful. It is in none of them recognized as property. That claim, now ſo forcibly urged by M. Calonne, was probably little reſpected by him when he lent his agency to the deſtruction of the Jeſuits with ſuch peculiar activity and rancour. The ſacredneſs of their property could not ſtrongly impreſs him, when he was inſtrumental in degrading the members of that accompliſhed ſociety, the glory of Catholic Europe, from their ſuperb endowments to ſcanty and beggarly penſions. In all theſe conteſts, the inviolability of church poſſeſſions was a principle that never made its appearance. A murmur of ſacrilege might, indeed, be heard among the fanatical or intereſted few: but the religious horror in which the prieſthood had enveloped its robberies, had long been diſpelled, and it was reſerved for Mr. Burke to renew that cry of ſacrilege, which, in the darkneſs of the ſixteenth century, had reſounded in vain. No man can be expected to oppoſe arguments to *epithets*. When a definition of ſacrilege is given, conſiſtent

conſiſtent with good logic and plain Engliſh, it will be time enough to diſcuſs it. Till that definition *(with the Greek calends)* comes, I ſhould as ſoon diſpute about the meaning of ſacrilege as about that of hereſy or witchcraft. Mr. Mackintoſh.

VI. The whole ſubject is indeed ſo evident, that little diverſity of opinion could have ariſen, if the queſtion of church property had not been confounded with that of the preſent incumbents. The diſtinction, though neither ſtated by Mr. Burke nor Monſ. Calonne, is extremely ſimple. The ſtate is the proprietor of the church revenues; but its faith, it may be ſaid, is pledged to thoſe who have entered into the church, for the continuance of thoſe incomes for which they abandoned all other purſuits. The right of the ſtate to arrange at its pleaſure the revenues of any future prieſts may be confeſſed, while a doubt may be entertained, whether it is competent to change the fortune of thoſe to whom it has ſolemnly promiſed a certain income for life. But theſe diſtinct ſubjects have been confounded, that ſympathy with ſuffering individuals might influence opinion on a general queſtion, that feeling for the degradation of the hierarchy might ſupply the place of argument to eſtabliſh the property of the church. To conſider this ſubject diſtinctly, it cannot be denied, that the mildeſt, the moſt equitable, and the moſt uſual expedient of poliſhed ſtates in periods of emergency, *is the reduction of the ſalaries of their ſervants, and the ſuppreſſion of ſuperfluous places.* This and no more has been done regarding the church of

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France. Civil, naval, and military ſervants of the ſtate are ſubject to ſuch retrenchments in a moment of difficulty. They often cannot be effected without a wound to individuals *; neither can the reform of a civil office, nor the reduction of a regiment: but all men who enter into the public ſervice muſt do ſo, with the implied condition of ſubjecting their emoluments, and even their official exiſtence, to the exigencies of the ſtate. The great grievance of ſuch derangements is the ſhock they give to family ſettlements. This is precluded by the compulſory celibacy of the Romiſh church; and when the debts of the clergy are incorporated with thoſe of the ſtate, and their ſubſiſtence inſured by moderate incomes, though ſenſibility may, in the leaſt retrenchment, find ſomewhat to lament, juſtice will, in the whole of theſe arrangements, diſcover little to condemn. To the individual members of the church of France, whoſe hopes and enjoyments have been abridged by this reſumption, no virtuous mind will refuſe the tribute of its ſympathy and its regrets. Every man of humanity muſt wiſh, that public exigencies had permitted the French legiſlature to ſpare the income of preſent incumbents, and more eſpecially of thoſe whom they ſtill continued in the diſcharge of active functions. But theſe ſentiments imply no ſorrow at the downfal of a great corporation, the determined and implacable enemy of freedom; at the converſion of an immenſe public property to na-

* This is preciſely the caſe of "*damnum abſque injuria.*"

tional

tional uſe, nor at the reduction of a ſervile and imperious prieſthood to humble utility, as the moral and religious inſtructors of mankind. The attainment of theſe great objects conſoles us for the portion of evil that was, perhaps, inſeparable from them, and will be juſtly admired by a poſterity too remote to be moved by theſe minute afflictions, or to be afflicted by any thing but their general ſplendour. The enlightened obſerver of an age thus diſtant will contemplate with peculiar aſtoniſhment, the riſe, progreſs, decay, and downfal of ſpiritual power in Chriſtian Europe. It will attract his attention as an appearance which ſtands *alone* in hiſtory. Its connection in all ſtages of its progreſs with the civil power will peculiarly occupy his mind. He will remark the unpreſuming humility by which it gradually gained the favour, and divided the power, of the magiſtrate; the haughty and deſpotic tone in which it afterwards gave law to ſovereigns and ſubjects; the zeal with which, in the firſt deſperate moments of decline, it armed the people againſt the magiſtrate, and aimed at reeſtabliſhing ſpiritual deſpotiſm on the ruins of civil order; and the aſylum which it at laſt found againſt the hoſtilities of reaſon in the prerogatives of temporal deſpotiſm, of which it had ſo long been the implacable foe. Mr. Mackintoſh.

The firſt and laſt of theſe periods will prove, that the prieſthood are ſervilely devoted when they are weak; the ſecond and third, that they are dangerouſly ambitious when ſtrong. In a ſtate of feebleneſs,

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bleneſs, they are dangerous to liberty; poſſeſſed of power, they are dangerous to civil government itſelf. But the laſt period of their progreſs will appear peculiarly connected with the ſtate of France. There was no protection for the opulence and exiſtence * of the European prieſthood in an enlightened period, but the throne. It formed the only bulwark againſt the inroads of reaſon; for the ſuperſtition which once formed their power was gone. Around the throne therefore they rallied. To the monarch they transferred the devotion which had formerly attached them to the church, and the fierceneſs of prieſtly zeal was ſucceeded in their boſoms by the more peaceful ſentiments of a courtly and poliſhed ſervility. Such is, in a greater or leſs degree, the preſent condition of the church in every nation of Europe; yet France has been reproached for the diſſolution of ſuch a body. It might as well be maintained, that in her conqueſts over deſpotiſm ſhe ought to have ſpared the ſtrongeſt fortreſſes and moſt faithful troops of her adverſary. Such, in truth, were the corporations of the nobility and the church. The national aſſembly enſured permanence to their eſtabliſhments, by diſmantling the fortreſſes, and diſbanding the troops of their vanquiſhed foe.

So determined is the oppoſition of Mr. Burke to thoſe meaſures of the aſſembly which regard the finances of the church, that even monaſtic inſtitu-

* I always underſtand their *corporate* exiſtence.

tions have in him found an advocate. Let us diſcuſs the arguments which he urges for the preſervation of theſe monuments of human madneſs. In ſupport of an opinion ſo ſingular, he produces one *moral* and one *commercial* reaſon. " In monaſtic " inſtitutions," in his opinion, " was found a great " *power* for the mechaniſm of politic benevolence."— " To deſtroy any *power* growing wild from the " rank productive force of the human mind, is al- " moſt tantamount, in the moral world, to the de- " ſtruction of the apparently active properties of " bodies in the material." In one word, the ſpirit and the inſtitutions of monachiſm were an inſtrument in the hand of the legiſlator, which he ought to have converted to ſome public uſe. I confeſs myſelf ſo far to ſhare the blindneſs of the national aſſembly, that I cannot form the moſt remote conjecture concerning the various uſes which " have ſuggeſted themſelves to a contriving mind." But without expatiating on them, let us attempt to conſtruct an anſwer to his argument on a broader baſis. The moral powers by which a legiſlator moves the mind of man are his paſſions; and if the inſane fanaticiſm which firſt peopled the deſerts of Upper Egypt with anchorites, ſtill exiſted in Europe, the legiſlator muſt attempt the *direction* of a ſpirit which humanity forbad him to perſecute, and wiſdom to neglect. But monaſtic inſtitutions have for ages ſurvived the ſpirit which gave them birth. It was not neceſſary for any legiſlature to deſtroy " that " power growing wild out of the rank productive

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"force of the human mind," from which monachiſm had ariſen. It was like all other furious and unnatural paſſions, in its nature tranſient. It languiſhed in the diſcredit of miracles and the abſence of perſecution, and was gradually melted down in the ſunſhine of tranquillity and opulence ſo long enjoyed by the church. The ſoul which actuated monachiſm had fled. The ſkeleton only remained to load and deface ſociety.—The dens of fanaticiſm, where they did not become the receſſes of ſenſuality, were converted into the ſties of indolence and apathy. The moral power therefore no longer exiſted, for the ſpirit by which the legiſlator could alone have moved theſe bodies was no more. The product of fanaticiſm was therefore not fit to be the inſtrument of wiſdom. Nor had any new ſpirit ſucceeded which might be an inſtrument in the hands of legiſlative ſkill. Theſe ſhort-lived phrenſies leave behind them an *inert* product, in the ſame manner as, when the fury and ſplendour of volcanic eruption is paſt for ages, there ſtill remains a maſs of *lava* to encumber the ſoil, and deform the aſpect of the earth *.

The

* It is urged by Mr. Burke, as a ſpecies of incidental defence of monachiſm, that there are many modes of induſtry, from which benevolence would rather reſcue men than from monaſtic quiet. This muſt be allowed, in one view, to be true. But, though the laws *muſt permit* the natural progreſs which produces this ſpecies of labour, does it follow, that they ought to create monaſtic ſecluſion? Is the exiſtence of one ſource of miſery a reaſon for opening another? Becauſe noxious drudgery *muſt* be tolerated, are we to *ſanction* compulſory inutility? Inſtances of ſimi-

The ſale of the monaſtic eſtates is alſo queſtioned by Mr. Burke on a commercial principle. The ſum of his reaſoning may be thus expreſſed :—The ſurplus product of the earth forms the income of the landed proprietor. That ſurplus the expenditure of ſome one muſt diſperſe; and of what import is it to ſociety, whether it be circulated by the expence of one landholder, or of a ſociety of monks? A very ſimple ſtatement furniſhes an unanſwerable reply to this defence. The wealth of ſociety is its ſtock of productive labour. There muſt, it is true, be unproductive conſumers, but the fewer their number, the greater *(all things elſe being the ſame)* muſt be the opulence of a ſtate. The poſſeſſion of an eſtate by a ſociety of monks eſtabliſhes, let us ſuppoſe, forty unproductive conſumers. The poſſeſſion of the ſame eſtate by a ſingle landholder, only neceſſarily produces one. It is therefore evident there is forty times the quantity of labour ſubtracted from the public ſtock, in the firſt caſe, that there is in the ſecond. If it be objected that the

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lar bad reaſoning, from what ſociety *muſt* ſuffer to what ſhe *ought* to enact, occur in other parts of Mr. Burke's production. We in England, he ſays, do not think £10,000 a year worſe in the hands of a biſhop than in thoſe of a baronet or a 'ſquire. Exceſſive inequality is in both caſes an enormous evil. The laws *muſt* permit property to grow as the courſe of things affects it. But ought they to add a new factitious evil to this natural and irremediable one? They cannot avoid inequality in the income of *property*, becauſe they muſt permit property to diſtribute itſelf. But they can remedy exceſſive inequalities in the income of *office*, becauſe the income and the office are their creatures.

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domeſtics of a landholder are unproductive, let it be remarked that a monaſtery has its ſervants, and that thoſe of a *lay* proprietor are not *profeſſionally* and perpetually unproductive, as many of them become farmers and artiſans; and it is to be obſerved above all, that many of them are married. Nothing then can appear, on a plain commercial view of the ſubject, more evident, than the diſtinction between lay and monkiſh landholders. It is ſurely unneceſſary to appeal to the motives which have every where produced ſtatutes of *mortmain*, the neglected eſtate in which the land of eccleſiaſtical corporations is ſuffered to remain, and the infinite utility which ariſes from changes of property in land. The face of thoſe countries where the transfers have been moſt rapid, will ſufficiently prove their benefit. Purchaſers ſeldom adventure without fortune, and the novelty of their acquiſition inſpires them with the ardour of improvement.

Dr. PRIESTLEY.

I SHALL ſelect the following, as ſome of the ſtrongeſt paſſages in your publication upon the ſubject of an *elective clergy*, and I ſhall then make a few remarks upon them. Letters to the Right Hon. Edmund Burke.

" The preſent ruling power" (viz. of France) " has," you ſay, " made a degrading, penſionary " eſtabliſhment, to which no man of liberal ideas, " or liberal condition, will deſtine his children. " It muſt ſettle into the loweſt claſſes of the people. " As, with you, the inferior clergy are not nume- " rous enough for their duty; as theſe duties are " beyond meaſure minute and toilſome; as you " have left no middle claſſes of clergy at their eaſe, " in future nothing of ſcience or erudition can " exiſt in the Gallican church. To complete the " project, without the leaſt attention to the rights " of patrons, the aſſembly has provided in future " an elective clergy; an arrangement which will " drive out of the clerical profeſſion all men of " ſobriety, all who can pretend to independence " in their function or their conduct, and which " will throw the whole direction of the public " mind into the hands of a ſet of licentious, bold, " crafty, factious, flattering wretches, of ſuch con- " dition, and ſuch habits of life, as will make their " contemptible penſions (in compariſon of which " the ſtipend of an exciſeman is lucrative and ho- " nourable) an object of low and illiberal intrigue.

rieſt- "In ſhort," you ſay, "it ſeems to me, that
ſ. "this new eccleſiaſtical eſtabliſhment is intended
"only to be temporary, and preparatory to the
"utter abolition, under any of its forms, of the
"chriſtian religion, whenever the minds of men
"are prepared for this laſt ſtroke againſt it, by the
"accompliſhment of the plan for bringing its mi-
"niſters into univerſal contempt. I hope," you add, "their partiſans in England will ſucceed
"neither in the pillage of the eccleſiaſtics, nor in
"the introduction of a principle of popular elec-
"tion to our biſhoprics and parochial cures.
"This, in the preſent condition of the world,
"would be the laſt corruption of the church, the
"utter ruin of the clerical character, the moſt
"dangerous ſhock that the ſtate ever received
"through a miſunderſtoood arrangement of re-
"ligion."

Now, ſir, had you reflected ever ſo little on *the nature of the caſe*, had you read *eccleſiaſtical hiſtory*, or had you opened your eyes to *exiſting facts*, ſuch as almoſt obtrude themſelves upon the moſt careleſs obſerver every day, you muſt have perceived that an *elective clergy* muſt have, always has had, and at this preſent time actually has, effects the very reverſe of thoſe with which your *imagination* (for here *judgment* is totally out of the queſtion) is haunted.

Is it not true that, in all caſes of a *civil* nature, every perſon who receives a ſalary for any duty whatever, will be more attentive to that duty, when

when the perſon who pays the ſalary, and who is intereſted in the proper diſcharge of the duty, has the power of appointing and diſmiſſing him? The reaſon is obvious. It then becomes the intereſt of the perſon who performs the duty, as well as of the perſon who is benefited by it, that it be *well done*. And can it make any difference, whether the duty be of an eccleſiaſtical or of a civil nature, when both are diſcharged by *men*, beings of the ſame paſſions, and ſubject to the ſame influences? Every man will do his duty beſt when he has the eye of a maſter immediately upon him. Pleaſe, ſir, to make the trial. Let your domeſtic ſervants, or your domeſtic chaplain, be appointed not by yourſelf, but ſome other man, or body of men, and let it be as difficult and as ſlow a proceſs, to obtain a change of them, as it is now for a pariſh to get rid of a miniſter whoſe conduct diſgraces them, which is but too often the caſe; I do not believe that, upon this plan, you would have much expectation of being well ſerved. Dr. Prieſtley.

You dread a ſcene of *faction* and low *intrigue* among the clergy who ſhould be candidates for places in the church. But what was the fact for more than a thouſand years in the chriſtian church in general, when all the biſhops and clergy were elective, when *men* were the ſame that they are now, and when whatever you imagine of peculiar zeal and diſintereſtedneſs, in the primitive times of the church, was certainly abated? Or what is

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now the caſe with the diſſenters in this country, and through all the ſtates of North America, where the officiating clergy of all denominations are now, and ever have been elective? In ancient times, where the emoluments were great, as in the churches of Alexandria, Antioch, Conſtantinople, and Rome, the election of biſhops was ſometimes attended with factions, and dangerous ones; but even there caſes of this kind were rare, and in the ordinary ſees they ſeldom or never happened. There are more than a thouſand diſſenting miniſters in this kingdom, and they are all elected by their reſpective congregations; but any great inconvenience attending an election of this kind very ſeldom occurs. It is probable that you, though living in the country, and acquainted with diſſenters, never heard of any ſuch thing, any more than in America or in Ireland.

So far is there from being any cabal or intrigue to obtain places with us, that the perſon choſen ſeldom hears of it till his invitation is ſent to him; and any thing like canvaſſing would be an effectual bar to his election. Indeed it very ſeldom happens that there is more than one candidate named at one time, and the members of any congregation are conſidered as very imprudent if they admit of two. Beſides, if any improper proceedings ſhould occur, it will be eaſy to provide remedies.

You ſay, that no perſon liberally educated, or any other than thoſe in the loweſt claſſes of life, will be candidates for church preferment. This, ſir,

ſir, goes upon the idea that no perſon will officiate in a chriſtian church but for the ſake of the temporal emolument which he receives from it; which is a moſt unjuſt and ill-founded reflection on chriſtianity, and the miniſters of it. It may, indeed, be the caſe with a church the articles of which men of ſenſe cannot ſubſcribe, and the ſtated duty of which is againſt their conſciences. For ſuch ſervices as *theſe* men muſt be *paid*, and very well paid too; and in general it will be done for nothing but the pay. But this is not the caſe with *us*, nor was it ſo in the early ages of the church. Though few of our ſalaries will more than half maintain us, there are never wanting perſons of independent fortune, and the moſt liberal educations, who voluntarily devote themſelves to the work of our miniſtry. From unbiaſſed choice they give their time, and their fortunes, to an employment which they deem to be moſt honourable and important, in whatever light it may appear to *you*; and our ſituation is ſuch, that few beſides perſons of ſome ability and piety will think of the profeſſion. Dr. Prieſtley.

So reſpected is the character of a miniſter with us, though the caſe may be different with you, that whatever was his original rank in life, it places him on a level with the moſt opulent of his congregation; and it rarely happens but that, in all our congregations, there are ſome perſons of as good fortunes, and as poliſhed manners, as any others in the town or neighbourhood. On this account,

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account, as well as from a principle of genuine piety and benevolence, the ſituation of a diſſenting miniſter has many attractions, eſpecially to a perſon of a ſerious and ſtudious turn of mind. We think it greatly preferable to that of the generality of the eſtabliſhed clergy, with all their proſpects of preferment, which often produce a cringing and ſervile diſpoſition. And I will venture to ſay, that, independent of the private fortunes which many of our miniſters have, their character and conduct render them as truly reſpectable, and independent in mind, as any ſet of clergy in the world; far more ſo, I am confident, than yours, with all the advantages you boaſt.

In conſequence of the biſhops in France becoming elective, you imagine that nothing of *ſcience*, or *erudition*, will henceforth exiſt in the Gallican church. But did nothing of this kind exiſt in the chriſtian church before the biſhops ceaſed to be elective, which was a change made of late years in compariſon? Hiſtory ſhews the very reverſe to have been the caſe. The dignified clergy, whom the court makes independent of the people, are not thoſe who, in any country, produce learned theological works, but generally men in the lower orders, and who have no motive to chooſe their profeſſion beſides an attachment to the duties and ſtudies peculiar to it, and who wiſh to diſtinguiſh themſelves in it. Very few of the biſhops of your church have been writers, at leaſt after they were made biſhops. The greateſt works your church has

as to boaſt of were the productions of obſcure clergymen; and, deſpicable as our ſituation may appear to you, who certainly know very little about us, an application to the ſtudies ſuited to our profeſſion, appears, by the number of our writings, to be much greater than among the clergy of the eſtabliſhed church. The relation we ſtand in to our congregations enſures a reſpectable private character, and in a manner obliges us to devote the leiſure we have to literature, to ſcience, and to profeſſional ſtudies. How ſtrangely, ſir, muſt you be blinded by your high church prejudices, not to perceive that this both *is*, and neceſſarily *muſt be*, the difference between the clergy of the eſtabliſhed church and miniſters with us! a difference greatly to our advantage; and it ariſes wholly from our people having the choice of their miniſters, and of courſe a power of diſmiſſing them when, on any account, they do not approve of them. Dr. Prieſtley.

You inſinuate, that the ſcheme to render the clergy of France elective is preparatory to an intended abolition of chriſtianity; as if chriſtianity did not exiſt, and exiſt in infinitely greater purity, before any of the clergy were otherwiſe than elective. On the contrary, it is the ſyſtem of church eſtabliſhments that always has produced, and that ever muſt produce, unbelievers. You make it a mere engine of ſtate, a ſource of *wealth* to ſome of the clergy, and of *power* to thoſe who have the nomination of them; and in both caſes the proper intereſts

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intereſts of *religion* are never thought of. In conſequence of this, it is notorious that the ſuperior clergy in France and Italy have long been generally conſidered as unbelievers, as well as thoſe who procure them their preferment. That the church of England is not exempt from the ſame cenſure, I have actually known myſelf; and it is highly probable that, from ſimilar cauſes, it ſtill exiſts in a degree which I have now no opportunity of knowing. Yet, though you clearly ſee that a ſplendid church eſtabliſhment, with biſhops appointed by the court, actually makes many of the clergy mere *men of the world*, ſo that they have nothing of the *chriſtian miniſter* beſides the name, and the conſequence of this has been the diſbelief, and utter contempt, of chriſtianity in men of rank and fortune, you would pretend that the aboliſhing of chriſtianity would be the conſequence of their diſſolution. Indeed, ſir, both the nature of the caſe, and facts which are obvious to the moſt careleſs eye, ſhew that chriſtianity cannot be preſerved along with them. They are a diſeaſe that muſt be extirpated, or the ſubject will be deſtroyed.

You enlarge much on the ill policy of the national aſſembly of France, in diſſolving the *monaſtic inſtitutions* of that country, acknowledging, at the ſame time, that "they ſavour of ſuperſtition. "This," you ſay, "ought not, however, to hinder "them from deriving from ſuperſtition itſelf, any "reſources which from thence may be furniſhed "for the public advantage." You do not ſay what

what uſes, religious or political, you would have made of the funds of theſe ſocieties; but as you acknowledge that "the body of all true religion "conſiſts in obedience to the will of the Sovereign "of the univerſe, in a confidence in his declara- "tions, and in an imitation of his perfections," it is ſufficient, I ſhould think, for a ſtate to provide for *this*. If the ſtate give the *body*, let the individuals themſelves provide the *clothing*; and to what better uſe can public lands and funds be applied, than to liquidate the debts of a ſtate? Dr. Prieſtley.

Monaſtic inſtitutions have, no doubt, had their uſes, and very great uſes, when there was no other retreat for letters, or from the buſtle of a barbarous age. But as literature and piety do not now want that aſylum, and every purpoſe of uſeful religion may be gained as well, and even better, without it, what reaſon can there be for its continuance? Why preſerve an old and inconvenient road, when a better is actually gained? Rather convert it into good arable or paſture land.

It is, beſides, impoſſible to encourage ſuperſtition but at the expence of true religion, as the experience of every age demonſtrates. The duties of ſuperſtition are better defined than thoſe of religion. Men know preciſely when they have recited a certain number of prayers, or when they have received a certain number of laſhes; but the great duties of benevolence (which, indeed, can only be diſcharged in ſociety) are indefinite, and withal require an attention to the *inward temper of mind*,

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mind, which is far more difficult than any of the injunctions of ſuperſtition. Will it not be natural, then, for men to attach themſelves to the one, and neglect the other, eſpecially when they are taught that the ſame end may be gained by either?

The very *principle* upon which monachiſm is founded, is falſe and deluſive. It is that men, capable of performing the duties of life, may become fit for heaven by ſolitary meditation and prayer, without mixing with the world at all. While monaſteries are kept up, this idea is encouraged. I cannot help thinking, therefore, that the national aſſembly acted very wiſely, when, in order to relieve themſelves from the difficulties which the folly and extravagance of a former government had brought upon the country, they adopted the meaſure of aboliſhing their monaſteries, making, however, a ſufficient proviſion for the inhabitants of them.

You will not pretend to ſay, that monaſtic inſtitutions are any neceſſary part of the chriſtian ſyſtem, ſince no mention is made of any ſuch thing in the new teſtament; ſince ſuch eſtabliſhments as you lament the fall of, are in fact but recent things; and ſince chriſtianity has not been found to ſuffer any thing by the demolition of them, in this or any other proteſtant country.

But "in monaſtic inſtitutions," you ſay, "in "my opinion, was found a great power for the "mechaniſm of politic benevolence. There were "revenues with a public direction; there were "men

"men wholly ſet apart and educated to public "purpoſes, without any other than public ties, and "public principles; men without a poſſibility of "converting he eſtate of the community into a "private fortune; men denied to ſelf-intereſt, "whoſe avarice is for the community; men to "whom perſonal poverty is honour, and implicit "obedience ſtands in the place of freedom. In "vain ſhall a man look to the poſſibility of making "ſuch things when he wants them. The winds "blow as they liſt. Theſe inſtitutions are the "products of enthuſiaſm; they are the inſtruments "of wiſdom. Wiſdom cannot create materials, "they are the gifts of nature, or chance; her pride "is in the uſe. To deſtroy any power," you ſay, "growing wild from the rank productive force of "the human mind, is almoſt tantamount, in the "moral world, to the deſtruction of the apparently "active properties of bodies in the material. Had "you no way of uſing the men, but by converting "monks into penſioners?" Dr. Prieſtley.

Upon this principle, of no *power* being to be *deſtroyed*, but only to be *regulated*; the greateſt abuſes may be perpetuated; becauſe, in many caſes, there is no preventing the abuſe without deſtroying the power itſelf. Such, for example, is the claim of the popes to univerſal dominion over the chriſtian church, and even over temporal princes; in fact, the aſſumption of *all power in heaven and in earth*. Such, alſo, is the power of a prieſt to give abſolution of ſins. To you it ſignifies

Dr. Prieſtley. nothing to allege, that theſe were altogether, and from the beginning, *innovations* and *abuſes* in the chriſtian ſyſtem. You anſwer, that they were *great powers, which cannot be created at pleaſure*, and therefore, that a wiſe ſtateſman would be an advocate for their preſervation, and not for their deſtruction.

To adopt your mode of reaſoning, ſuch deep-rooted opinions, as formerly prevailed in all the chriſtian world, of an immenſe power lodged for the wiſeſt purpoſes in one viſible head of the church, the ſublime idea of one *ſpiritual father of all chriſtian princes*, who had no other bond of union, and who ſtood in great need of one, and the confidence that all chriſtians once had in the abſolving power of their prieſts, authoriſed to give advice and direction in all caſes in which *conſcience* was concerned; ſuch opinions as theſe, you will ſay, cannot be produced at pleaſure; they were the ſlow growth of ages, and a foundation of *great powers*, which, if once deſtroyed, will never riſe again. It was, therefore, nothing elſe than madneſs, you would ſay, in the firſt reformers, to aim at the ſubverſion of theſe powers, by refuting the opinions on which they were founded. They ſhould have contented themſelves with preſerving the powers ſacred and inviolable, and have contrived how to make a right uſe of them.

For the ſame reaſon, had you, in any country, as in Morocco, found the ideas of abſolute power in the prince, of the ſacredneſs of his perſon, and of the happineſs of dying by his hand, you would have

have been careful not to deſtroy that *power*, which you might not be able to re-produce; but, being happily in poſſeſſion of it, would have made it ſubſervient to the good of the country. Dr. Prieſtley.

I am glad, however, to find, that though all powers are to be *continued*, you allow of ſome improvement in the *application* of them, which implies ſome change for the better. This is alſo implied in what you ſay by way of apology for the old church eſtabliſhment of France, viz. that "it "was an old one, and not frequently reviſed;" as if ſome *reviſal*, at leaſt, would have been proper. And if a reviſal of *this* eſtabliſhment would have been proper, why not that of *ours* alſo? Has the church of England acquired any preſcriptive right, to ſtand in no need of any farther reviſion; or are you, ſir, authoriſed to ſay to reformation, *Hitherto ſhalt thou go, and no farther?* If not, why your ſneers at a certain *lay divine*, who only propoſed a reviſal of the Engliſh liturgy and articles, which, in the opinion of many ſerious and thinking perſons, though not in yours, very much want reviſion? Why, alſo, did you oppoſe the petition of a number of conſcientious clergymen, to be releaſed from their preſent obligation to ſubſcribe the thirty-nine articles, many of which you muſt yourſelf, ſurely, think are not abſolutely eſſential to chriſtianity? Why, then, might not clergymen, as well as others, have been at liberty to ſpeculate freely, and think as they ſaw reaſon to do, with reſpect to them?

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On the ſame principles on which you oppoſed a reviſion of the church eſtabliſhment of *this* country, you would, no doubt, have oppoſed a reviſion of that of France, of Turkey, or of Indoſtan. However, the ſpirit of reformation, which is now gone forth, is *another great power*, as well as the *exiſting ſyſtems* to be reformed by it; and it is a power which grows ſtronger as they grow weaker; ſo that there can be no doubt which of them will finally prevail, notwithſtanding the aid that your potent arm may give them.

You boldly avow your attachment to old eſtabliſhments, becauſe they are old. "In this enlightened age," you ſay, "I am bold enough to confeſs, that we are generally men of untaught feelings; that, inſtead of caſting away all our old prejudices, we cheriſh them to a very conſiderable degree; and, to take more ſhame to ourſelves, we cheriſh them becauſe they are prejudices; and the longer they have laſted, and the more generally they have prevailed, the more we cheriſh them."

On this principle, ſir, had you been a pagan at the time of the promulgation of chriſtianity, you would have continued one. You would alſo have oppoſed the reformation. You would, no doubt, have cheriſhed the long and deep-rooted prejudice of the earth being the centre of our ſyſtem, and every notion that was *old*; the creed of your nurſe, and of your grandmother, in oppoſition to every thing *new*.

Cheriſh them, then, ſir, as much as you pleaſe. Dr. Prieſtley.
Prejudice and error is only a *miſt*, which the ſun, which has now riſen, will effectually diſperſe. Keep them about you, as tight as the countryman in the fable did his cloak; the ſame ſun, without any more violence than the warmth of his beams, will compel you to throw it aſide, unleſs you chooſe to ſweat under it, and bear the ridicule of all your cooler and leſs encumbered companions. The ſpirit of free and rational enquiry is now abroad, and, without any aid from the powers of this world, will not fail to overturn all error and falſe religion, wherever it is found; and neither the church of Rome nor the church of England will be able to ſtand before it.

Inſtead of your chimerical idea of *deſtroying no exiſting powers*, but of converting them to ſome *uſe*, which may anſwer no better than an attempt to tame a lion or a tiger, adopt a plainer maxim, in finitely better adapted to the weak faculties of man, viz. to *follow truth wherever it leads you*, confident that the intereſts of truth will ever be inſeparable from thoſe of virtue and happineſs, and equally ſo to ſtates as to individuals.

Your opinion of the *ſacredneſs* and *majeſty* of an eſtabliſhed church, is moſt conſpicuous in what you ſay of its *revenues*. On this ſubject you appear to have adopted maxims, which, I believe, were never before avowed by any proteſtant, viz. that the ſtate has no power or authority over any thing that has once been the property of the church.

Dr. Prieſtley.

" From the united conſideration of religion and " conſtitutional policy," you ſay, " from their opi- " nion of a duty to make a ſure proviſion for the " conſolation of the feeble, and the inſtruction of " the ignorant, they have incorporated and iden- " tified the eſtate of the church with the maſs of " private property, of which the ſtate is not the " *proprietor*, either for *uſe* or *dominion*, but the *guar-* " *dian* only, and the *regulator*. They have or- " dained that the proviſion of this eſtabliſhment " might be as ſtable as the earth on which it ſtands, " and ſhould not fluctuate with the Euripus of " funds and actions."

If the ſtate be not the *proprietor* of the church lands, they muſt be the abſolute *unalienable property* of the *church*, that is, of *churchmen* only, and without their conſent no alienation of them is lawful. Conſequently, if all the members of the houſe of commons, the king, and all the temporal lords, ſhould vote the alienation of any part of them, it would be mere *robbery* without the conſent of the biſhops, or, perhaps, that of the whole convocation aſſembled for the purpoſe; perhaps not even then, the preſent clergy being only *truſtees*, or having a *life eſtate* in a revenue which belongs to their ſucceſſors. But, ſurely, if I have any knowledge of the Britiſh conſtitution, this doctrine is abſolutely new to it, and certainly not deduced from the actual conduct of parliament, which has diſpoſed of a very great proportion of what was once the property of the church. I even queſtion whether the

principle you here avow, would at this day be acknowledged at St. Omers. The catholics of France had evidently no idea of the kind, and indeed it is for this that you reproach them. Dr. Prieſtley.

The Dutch, and other proteſtant ſtates, have confiſcated all the old church property, and pay their clergy from the ſame public treaſury out of which the officers of the army and navy are paid; and they, no doubt, think themſelves juſtified in ſo doing. A great proportion of the tithes in this country, and, as I am informed, the whole of them in Scotland, are now in the hands of lay proprietors, who, in your opinion, muſt all be guilty of *ſacrilege*, though their conduct be ſanctioned by the law of the land.

If the right of the church to its revenues is not to be affected by any act of a civil legiſlature, and if it be not derived from any *ordinance of man*, it muſt come to them from the *ordinance of God*. But where, ſir, do you find any record of this? There is no mention made of tithes, or of any other permanent church property, in the new teſtament; and if it has been by the ordinance of God in any period ſubſequent to the writing of thoſe books, it is incumbent upon you, ſir, and other advocates for the unalienable property of the church, to ſhew when the grant was made, and by what miracle (for nothing elſe can anſwer the purpoſe) it was confirmed. But every thing relative to the revenues of the church, is eaſily traced in hiſtory. We very well know *when* and *whence* every branch of

it aroſe. It was altogether the ordinance of *men*, and generally of weak, ſuperſtitious, and prieſt-ridden men. And ſurely the miſchiefs which have been found to ariſe from the folly of one age, ought to be removed by the wiſdom of a ſubſequent one. In one paſſage, indeed, you allow all that I contend for, when you ſay, "when once the commonwealth has eſtabliſhed the eſtates of the church as property;" for this implies that the eſtates of the church are the gift of the commonwealth, or ſtate; and what the ſtate has *given*, it may ſurely *take away*. This is one among many inconſiſtencies in your work.

Such, I flatter myſelf, is the light of the preſent day, that, confident as you are of your maxim, and of the members of our legiſlature acting upon it, you will ſome time or other find yourſelf miſtaken. "The commons of Great Britain," you ſay, "in "a national emergency, will never ſeek their re-"ſource from the confiſcation of the eſtates of the "church and poor. Sacrilege and proſcription are "not among the ways and means of our committee "of ſupply. The Jews in 'Change-alley have not "yet dared to hint their hopes of a mortgage on "the revenues belonging to the ſee of Canterbury. "I am not afraid that I ſhall be diſavowed, when "I aſſure you, that there is not *one* public man in "this kingdom, whom you would wiſh to quote, "no, not one of any party or deſcription, who "does not reprobate the diſhoneſt, perfidious, and "cruel confiſcation which the national aſſembly "has

" has been compelled to make, of that property " which it was their firſt duty to protect." Dr. Prieſtley.

I am ſurpriſed, ſir, that you ſhould not be ſenſible that this declaration is by no means true in fact. It is in my own power to quote many perſons in public life, who greatly approve that conduct of the national aſſembly of France which you ſo ſtrongly condemn. You forget that *Salus reipublicæ eſt ſuprema lex*; and if ever the circumſtances of this country ſhould be ſuch, as that either the intereſt of the *church* or that of the *ſtate* muſt be abandoned, I have no doubt but that, with general approbation, the former would be readily ſacrificed to the latter.

You have made the proviſion for the *poor* as ſacred as that for the *church*. But certainly this was the inſtitution of *man*, or rather of *woman*; for it took its riſe in the time of queen Elizabeth, in this country, and is not known in any other. To many perſons, as well as to myſelf, our method of providing for the poor is no proof of the wiſdom of our anceſtors. It takes from man the neceſſity of *foreſight*, and, inſtead of being the moſt provident, makes him the moſt improvident of all creatures. So far are our poor laws from encouraging induſtry, that they encourage idleneſs, and of courſe profligacy. Such is the ſtate of this country, burthened with taxes to ſupport the church and the poor, and to pay the intereſt (the principal is out of the queſtion) of debts contracted by the folly of our

Dr. Prieſtley.

anceſtors, that its ability to ſupport itſelf under them is very problematical.

" It is," you ſay, " from our attachment to a " church eſtabliſhment, that the Engliſh nation did " not think it wiſe to intruſt that great funda- " mental intereſt of the whole, to what they truſt " no part of their civil or military public ſervice, " that is, to the unſteady and precarious contribu- " tion of individuals. They go farther—They " certainly never have ſuffered, and never will ſuf- " fer, the fixed eſtate of the church to be convert- " ed into a penſion, to depend on the treaſury, " &c. The people of England think that they " have conſtitutional motives, as well as religious, " againſt any project of turning their independent " clergy into eccleſiaſtical penſioners of ſtate. They " tremble for their liberty, from the influence of " a clergy dependent on the crown; they tremble " for the public tranquillity, from the diſorders of " a factious clergy, if it were made to depend upon " any other than the crown. They therefore made " their church, like their king, and their nobility, " independent."

There are ſeveral poſitions in this paragraph, that appear to me rather extraordinary. The *clergy*, to be as independent as *the crown*, or *the nobility*, ſhould have a negative in all proceedings in parliament. But the clergy are, in fact, dependent upon the crown, and muſt neceſſarily be ſo, while the crown has the diſpoſal of all biſhoprics,

ther great preferments; and the effect of Dr. Priestley.
ı by their voting with the crown. It is
mpliment to the general diſpoſition of the
at you ſhould tremble for the effects of
ions, if they were to depend upon any
n the crown. I ſhould think, however,
ney be ſo dangerous a body of men, you
ke yourſelf rather eaſier, if they were made
l on the *whole legiſlature*, and not upon
ı only, to which they now give a danger-
ſion of power.

', only take away the emoluments of the
ıd leave them to ſubſiſt, as we diſſenting
do, and as the apoſtles and biſhops in pri-
nes did, on the voluntary contributions of
› are benefited by their miniſtry, and you
ually remove all cauſe of trembling on
ount. Let them be naturally as quarrel-
ogs, they will be as quiet as lambs, if no
ontention be thrown among them. What
riſes from *our* diviſions, or thoſe of the
cordant ſects which have ever exiſted in
merica? Be they ever ſo great, we never
ıe ſtate with them, and we are unanimous
ty in every common cauſe reſpecting
iſtianity or public liberty.

ANO-

ANONYMOUS.

Advice to the Privileged Orders, &c.

THIS engine, in all ages of the world, has been the church *. It has varied its appellation, at different periods and in different countries, according to the circumſtances of nations, but has never changed its character; and it is difficult to ſay, under which of its names it has done the moſt miſchief, and exterminated the greateſt number of the human race. Were it not for the danger of being miſled by the want of information, we ſhould readily determine, that under the aſſumption of chriſtianity it has committed greater ravages than under any other of its dreadful denominations.

But we muſt not be haſty in deciding this queſtion; as, during the laſt fifteen centuries, in which we are able to trace with compaſſionate indignation the phrenſy of our anceſtors, and contemplate the wandering demon of carnage, conducted by the *croſs* of the weſt, the lights of hiſtory fail us

* From that aſſociation of ideas which uſually connects the *church* with *religion*, I may run the riſk of being miſunderſtood by ſome readers, unleſs I adverti ſe them, that I conſider no connection as exiſting between theſe two ſubjects; and that where I ſpeak of church *indefinitely*, I mean the government of a ſtate, aſſuming the name of God, to govern by divine authority; or, in other words, *darkening the conſciences of men, in order to oppreſs them.*

with

with regard to the reſt of the world;—we cannot travel with the *creſcent* of the eaſt, in its unmeaſurable devaſtations from the Euxine to the Ganges; or tell by what other incantations mankind have been inflamed with the luſt of ſlaughter, from thence to the north of Siberia, or to the ſouth of Africa. Anonymous.

Could we form an eſtimate of the lives loſt in the wars and perſecutions of the chriſtian church alone, it muſt be nearly equal to the number of ſouls now exiſting in Europe. But it is perhaps in mercy to mankind, that we are not able to calculate, with any accuracy, even this portion of human calamities. When Conſtantine ordered that the *hierarchy* ſhould aſſume the name of Chriſt, we are not to conſider him as forming a new weapon of deſtruction; he only changed a name which had grown into diſrepute, and would ſerve the purpoſe no longer, for one that was gaining an extenſive reputation; it being built on a faith that was likely to meet the aſſent of a conſiderable portion of mankind. The cold-hearted* cruelty of that monarch's

* The report of Zoſimus, reſpecting the motives which induced Conſtantine to embrace chriſtianity, has not been generally credited, though the circumſtance is probable in itſelf, and the author is conſidered in other reſpects an hiſtorian of undoubted veracity; having written the hiſtory of all the emperors down to his own time, which was the beginning of the fifth century. His account is, That Conſtantine could not be admitted into the *old eſtabliſhed church of Ceres* at Eleuſis, on account of the enormity of his crimes, in the murder of many of his own family. But on his demanding admiſſion, the hierophant cried out with horror,

Anonymous. monarch's character, and his embracing the new doctrines with a temper hardened in the ſlaughter of his relations, were omens unfavourable to the future complexion of the hierarchy; though he has thus coupled it with a name that had hitherto been remarkable for its mildneſs and humiliation. This tranſaction has therefore given colour to a ſcene of enormities, which may be regarded as nothing more than the genuine offspring of the *alliance of church and ſtate*.

This fatal deviation from the principles of the firſt founder of the faith, who declared that his *kingdom was not of this world*, has deluged Europe in blood for a long ſucceſſion of ages, and carried occaſional ravages into all the other quarters of the globe. The pretence of extirpating the idolatries

horror, "Begone, thou parricide, whom the gods will not pardon." The chriſtian doctors ſeized this occaſion to adminiſter to the wants of the emperor, on condition that he would adminiſter to theirs; the bargain was advantageous on both ſides; he declared himſelf a chriſtian, and took the church under his protection, and they pronounced his pardon.

The fawning ſervility of the new church, and the blunt ſeverity of the old, on that occaſion, mark the preciſe character of the eccleſiaſtical policy of all ages; and both examples have been followed in numerous inſtances. The manœuvres of the pope on the converſion of Clovis, on ſanctioning the uſurpation of Pepin, and on the coronation of Charlemagne, are among the imitations of the former; the ridiculous chaſtiſement of Henry the ſecond of England, and the numerous anathemas fulminated againſt whole kingdoms, are proofs of the latter. We may likewiſe remark, that the conduct of Conſtantine has been copied in all its eſſential points by Henry the eighth.

of

of ancient eſtabliſhments, and the innumerable hereſies of the new, has been the never-failing argument of princes as well as pontiffs, from the wars of Conſtantine down to the pitiful, ſtill-born rebellion of Calonne and the count d'Artois. Anonymous.

From the time of the converſion of Clovis, through all the Merovingian race, France and Germany groaned under the fury of eccleſiaſtical monſters, hunting down the Druids, overturning the temples of the Roman polytheiſts, and drenching the plains with the blood of Arians. The wars of Charlemagne againſt the Saxons, the Huns, the Lombards, and the Moors, which deſolated Europe for forty years, had for their principal object the extending and purifying of the chriſtian faith. The cruſades, which drained Europe of its young men at eight ſucceſſive periods, muſt have ſacrificed, including Aſiatics and Africans, at leaſt four millions of lives. The wars of the Guelfs and Gibelins, or pope and anti-pope, ravaged Italy, and involved half Europe in factions for two centuries together. The expulſion of the Moors from Spain depopulated that kingdom by a war of ſeven hundred years, and eſtabliſhed the inquiſition to interdict the reſurrection of ſociety; while millions of the natives of South America have been deſtroyed by attempting to convert them.

In this enumeration, we have taken no notice of that train of calamities which attended the reconverſion of the eaſtern empire, and attaching it to the faith of Mahomet; nor of the various havoc which

Anonymous.

which followed the diſmemberment of the catholi church by that fortunate ſchiſm, which by ſom is denominated the Lutheran hereſy, and by other the proteſtant reformation.

But theſe, it will be ſaid, are only general trai of unciviliſed character, which we all contemplat with equal horror, and which, among enlightene nations, there can be no danger of ſeeing renewed It is true, that in ſeveral countries the glooms o intolerance ſeem to be pierced by the rays of phi loſophy; and we may ſoon expect to ſee Europ univerſally diſclaiming the right of one man to in terfere in the religion of another. We may re mark however, *firſt*, that this is far from being th caſe at this moment; and *ſecondly*, that it is t bleſſing which never can originate from any ſtate eſtabliſhment of religion. For proofs of the former we need not penetrate into Spain or Italy, nor recal the hiſtory of the late fanatical management of th war in Brabant—but look to the two moſt enlight ened countries in Europe; ſee the riots at Birming ham, and the conduct of the refractory prieſts i France.

With regard to the ſecond remark—we may a well own the truth at firſt as at laſt, and hav ſenſe this year as the next: *the exiſtence of any kin of liberty is incompatible with the exiſtence of any kin of church.* By *liberty* I mean the enjoyment o equal rights, and by *church* I mean any mode o worſhip declared to be national, or declared t have any preference in the eyeof the law.

To

To render this truth a little more familiar to the mind of any reader who ſhall find himſelf ſtartled with it, we will take a view of the church in a different light from what we have yet conſidered it. We have noticed hitherto only its moſt ſtriking characteriſtics, in which it appears like a giant, ſtalking over ſociety, and wielding the ſword of ſlaughter; but it likewiſe performs the office of ſlent diſeaſe and of unperceived decay; where we may contemplate it as a canker, corroding the vitals of the moral world, and debaſing all that is noble in man. Anonymous.

If I mention ſome traits which are rather peculiar to the Roman catholic conſtitution, it is becauſe that is the predominant church in thoſe parts of Europe where revolutions are ſooneſt expected; and not becauſe it is any worſe or any better than any other that ever has or ever can exiſt. I hinted before, and it may not be amiſs to repeat, that the hierarchy is every where the ſame, ſo far as the circumſtances of ſociety will permit; for it borrows and lends, and interchanges its features in ſome meaſure with the age and nation with which it has to deal, without ever loſing ſight of its object. It is every where the ſame engine of ſtate; and whether it be guided by a lama or a mufti, by a pontifex or a pope, by a bramin, a biſhop, or a druid, it is entitled to an equal ſhare of reſpect.

The firſt great object of the prieſt is to eſtabliſh a belief in the minds of the people, that *he himſelf* is

Anonymous. *is poſſeſſed of ſupernatural powers*; and the church at all times has made its way in the world, in proportion as the prieſt has ſucceeded in this particular. This is the foundation of every thing—the life and ſoul of all that is ſubverſive and unaccountable in human affairs; it is introducing a new element into ſociety; it is the rudder under the water, ſteering the ſhip almoſt directly contrary to the wind that gives it motion.

A belief in the ſupernatural powers of the prieſt has been inſpired by means which in different nations have been known by different names—ſuch as aſtrologies, auguries, oracles, or incantations. This article once eſtabliſhed, its continuation is not a difficult taſk; for, as the church acquires wealth, it furniſhes itſelf with the neceſſary apparatus, and the trade is carried on to advantage. The impoſition too becomes more eaſy from the authority of precedent, by which the inquiſitive faculties of the mind are benumbed; men believe by preſcription, and orthodoxy is hereditary.

In this manner every nation of antiquity received the poiſon in its infancy, and was rendered incapable of acquiring a vigorous manhood, of ſpeaking a national will, or of acting with that dignity and generoſity which are natural to man in ſociety. The moment that Romulus conſulted the oracles for the building of his city, that moment he interdicted its future citizens the enjoyment of liberty among themſelves, as well as all ideas of juſtice

tice towards their neighbours. Men never act their own opinions, in company with thoſe who can give them the opinions of gods; and as long as governors have an eſtabliſhed mode of conſulting the auſpices, there is no neceſſity to eſtabliſh any mode of conſulting the people. *Nihil publice ſine auſpiciis nec domi nec militiæ gerebatur* *, was the Roman *magna charta*; and it ſtood in place of a declaration of the rights of man. There is ſomething extremely impoſing in a maxim of this kind. Nothing is more pious, peaceful, and moderate in appearance; and nothing more ſavage and abominable in its operation. But it is a genuine *church-maxim*, and, as ſuch, deſerves a further conſideration. Anonymous.

One obvious tendency of this maxim is, like the feudal rights, to inculcate radical ideas of inequalities among men; and it does this in a much greater degree. The feudal diſtance between man and man is perceptible and definite; but the moment you give one member of ſociety a familiar intercourſe with God, you launch him into the region of infinities and inviſibilities; you unfit him and his brethren to live together on any terms but thoſe of ſtupid reverence and of inſolent abuſe.

Another tendency is to make men cruel and ſavage in a preternatural degree. When a perſon believes that he is doing the immediate work of God, he diveſts himſelf of the feelings of a man.

* *Cicero de Divinatione*, lib. i.

Anonymous. And an ambitious general, who wiſhes to extirpate or to plunder a neighbouring nation, has only to order the prieſt to do his duty, and ſet the people at work by an oracle: they then know no other bounds to their phrenſy than the will of their leader, pronounced by the prieſt; whoſe voice to them is the voice of God. In this caſe, the leaſt attention to mercy or juſtice would be abhorred, as a diſobedience to the divine command. This circumſtance alone is ſufficient to account for two-thirds of the cruelty of all wars—perhaps in a great meaſure for their exiſtence—and has given riſe to an opinion, that nations are cruel in proportion as they are religious. But the obſervation ought to ſtand thus, *That nations are cruel in proportion as they are guided by prieſts*; than which there is no axiom more undeniably without exception.

Another tendency of governing men by oracles, is to make them factious and turbulent in the uſe of liberty when they feel themſelves in poſſeſſion of it. In all ancient democracies, the great body of the people enjoyed no liberty at all; and thoſe who were called freemen exerciſed it only by ſtarts, for the purpoſe of *revenging* injuries—not in a regular conſtituted mode of *preventing* them; the body politic uſed liberty as a medicine, and not as daily bread. Hence it has happened, that the hiſtory of ancient democracies and of modern inſurrections is quoted upon us, to the inſult of common ſenſe, to prove that a whole people is not capable of governing itſelf. It is the *want* of liberty,

liberty, and not the *enjoyment* of it, which has occaſioned all the factions in ſociety from the beginning of time, and will do ſo to the end; it is becauſe the people are *not* habitually free from civil and eccleſiaſtical tyrants, that they are diſpoſed to exerciſe tyranny themſelves. Habitual freedom produces effects directly the reverſe in every particular. For a proof of this, look into America; or, if that be too much trouble, look into human nature with the eyes of common ſenſe. Anonymous.

When the chriſtian religion was perverted and preſſed into the ſervice of government, under the name of the *chriſtian church*, it became neceſſary that its prieſts ſhould ſet up for ſupernatural powers, and inveſt themſelves in the ſame cloak of infallibility of which they had ſtripped their predeceſſors, the druids and the augurs. This they effected by miracles; for which they gained ſo great a reputation, that they were canonized after death, and have furniſhed modern Europe with a much greater catalogue of ſaints than could be found in any breviary of the ancients. The polytheiſm of the catholic church is more ſplendid, for the number of its divinities, than that of the Eleuſinian; and they are not inferior in point of attributes. The Denis of France is at leaſt equal to the Jupiter of Greece, or the Apis of Egypt. As to ſupernatural powers, the caſe is preciſely the ſame in both; and the portions of infallibility are dealt out from the pope to the ſubordinate prieſts, ac-

Anonymous.

cording to their rank, in ſuch a manner as to complete the harmony of the ſyſtem.

Cicero has written with as much judgment and erudition on the "corruptions" of the old Roman church, as Dr. Prieſtley has on thoſe of the new. But it is not the *church* which is corrupted by men, it is *men* who are corrupted by the church; for the very exiſtence of a church, as I have before defined it, is founded on a lie: it ſets out with the blaſphemy of giving to one claſs of men the attributes of God; and the practiſing of theſe ſorceries by that claſs, and believing them by another, corrupts and vitiates the whole.

One of the moſt admirable contrivances of the chriſtian church is the buſineſs of *confeſſions*. It requires great reflection to give us an idea of the effects wrought on ſociety by this part of the machinery. It is a ſolemn recognition of the ſupernatural powers of the prieſt, repeated every day in the year by every human creature above the age of twelve years. Nothing is more natural than for men to judge of every thing around them, and even of themſelves, by *compariſon*; and in this caſe what opinion are the laity to form of their own dignity? When a poor, ignorant, vicious mortal is ſet up for the *god*, what is to be the *man*? I cannot conceive of any perſon going ſeriouſly to a confeſſional, and believing in the equality of rights, as poſſeſſing one moral ſentiment that is worthy of a rational being.

Another

Another contrivance of the ſame ſort, and little inferior in efficacy, is the law of *celibacy* impoſed on the prieſthood, both male and female, in almoſt all church-eſtabliſhments that have hitherto exiſted. The prieſt is in the firſt place armed with the weapons of moral deſtruction, by which he is made the profeſſional enemy of his fellow men; and then, for fear he ſhould neglect to uſe thoſe weapons—for fear he ſhould contract the feelings and friendſhips of rational beings, by mingling with ſociety and becoming one of its members—for fear his impoſitions ſhould be diſcovered by the intimacy of family connections—he is interdicted the moſt cordial endearments of life; he is ſevered from the ſympathies of his fellow-creatures, and yet compelled to be with them; his affections are held in the *mortmain* of perpetual inactivity; and, like the dead men of Mezentius, he is laſhed to ſociety for tyranny and contamination. Anonymous.

The whole of this management, in ſelecting, preparing, and organizing the members of the eccleſiaſtical body, is purſued with the ſame uniform, cold-blooded hoſtility againſt the ſocial harmonies of life. The ſubjects are taken from the younger ſons of noble families, who from their birth are conſidered as a nuiſance to the houſe, and an outcaſt from parental attachment. They are then cut off from all opportunities of forming fraternal affections, and educated in a cloiſter; till they enter upon their public functions, as diſcon-

Anonymous. nected from the feelings of the community, as it is deſigned they ſhall ever remain from its intereſts.

I will not mention the corruption of morals, which muſt reſult from the combined cauſes of the ardent paſſions of conſtrained celibacy, and the ſecret interviews of the prieſt with the women of his charge, for the purpoſe of confeſſions; I will draw no arguments from the diſſenſions ſown in families; the jealouſies and conſequent aberrations of both huſband and wife, occaſioned by an intriguing ſtranger being in the ſecrets of both; the diſcouragements laid upon matrimony by a general dread of theſe conſequences in the minds of men of reflection—effects which are remarkable in all catholic countries; but I will conclude this article by obſerving the direct influence that eccleſiaſtical celibacy alone has had on the population of Europe.

This policy of the church muſt have produced at leaſt as great an effect, in thinning ſociety, as the whole of her wars and perſecutions. In catholic Europe there muſt be near a million of eccleſiaſtics. This proportion of mankind continuing deducted from the agents of population for fifteen centuries, muſt have precluded the exiſtence of more than one hundred millions of the human ſpecies.

Should the reader be diſpoſed on this remark to liſten to the reply which is ſometimes made, that

Europe

Europe is ſufficiently populous; I beg he would ſuſpend his deciſion, till he ſhall ſee what may be ſaid, in the courſe of this work, on protected induſtry; and until he ſhall well conſider the effects of liberty on the means of ſubſiſtence. That reply is certainly one of the axioms of tyranny, and is of kin to the famous wiſh of Caligula, that the whole Roman people had but one neck.

Anonymous.

The French have gone as far in the deſtruction of the hierarchy as could have been expected, conſidering the habits of the people and the preſent circumſtances of Europe. The church in that country was like royalty—the prejudices in its favour were too ſtrong to be vanquiſhed all at once. The moſt that could be done, was to tear the bandage from the eyes of mankind, break the charm of inequality, demoliſh ranks and infallibilities, and teach the people that mitres and crowns did not confer ſupernatural powers. As long as public teachers are choſen by the people, are ſalaried and removeable by the people, are born and married among the people, have families to be educated and protected from oppreſſion and from vice; as long as they have all the common ſympathies of ſociety to bind them to the public intereſt, there is very little danger of their becoming tyrants by force, and the liberty of the preſs will prevent their being ſo by craft.

In the united ſtates of America there is no church; and this is one of the principal circum-

Anonymous. ſtances which diſtinguiſh that government from all others that ever exiſted; it enſures the unembarraſſed exerciſe of religion, the continuation of public inſtruction in the ſcience of liberty and happineſs, and promiſes a long duration to a repreſentative government.

MR.

Mr. CAPEL LOFFT.

Remarks on the Letter of the Right Hon. Edmund Burke.

FROM his principles of general government, in thoſe points which he regards as containing the great outlines of a conſtitution, Mr. Burke proceeds to thoſe incidental obſtacles from prejudice and habit, to which a wiſe legiſlature is to apply its attention. And I own that I do think with him, that there are occaſions where it is the beſt prudence to be tender, even to an apparent extreme, in the treatment of cuſtoms which have blended themſelves with the opinions, the habits, the earlieſt and the lateſt views of a people. Light is to be offered; but in vain will it be forced upon them. And I do not ſee how even the greater part of a community can compel, without injuſtice and an uneſtimated infliction of ſuffering, a claſs of human beings, taught to form their views, their ſentiments of obligation, their habits of thought and action, their hopes of comfort, and all the aſſociations which conſtitute the character and diſpoſition, upon a ſcale remote from the general uſage of life, to quit their ſolitude, and be caſt, unprepared, unconnected on the world. I do not ſee how, on the other hand, a religious order which the people has long beheld under certain circumſtances, can ſuddenly and compulſively be placed in different and contrary circumſtances, without great and unmerited diſtreſs to many individuals, and without eſſential diſ-

advantage

advantage to the ſtate, which always ſuffers by diminution of confidence when ancient privileges and advantages are ſeized from their poſſeſſors, without fair and full proof of their delinquency, or of the utter incompatibility of even the temporary continuance of the inſtitutions on which they are founded, with the public ſecurity and freedom. A good and wiſe government would certainly never attempt to create and nouriſh prejudices for the ſake of governing by them: happily, indeed, on the whole, it is true of prejudices, that they muſt be *found*, they cannot be created to ſerve an occaſion: but thoſe which it finds it would treat as nature, in her general œconomy, does the miſts and vapours, ſo often the harbingers of a mild, ſplendid, and genial day. If ſuddenly precipitated, you have a chill and comfortleſs, if haſtily driven by impetuous winds, a tempeſtuous, if not deſtructive day: but if gradually ſubſiding, as they generally do, as the influence of the ſun advances from the dawn to the perfect day, they melt kindly and inſenſibly into the untroubled ſky; all is tranquillity, and progreſſive illumination. I think with Mr. Burke, that prejudices are generally ſo relative to the ſtate of a people, ſo incorporated with right ſentiments and aſſimilated to the beſt affections, ſo attached to the heart, and ſo ſlowly corrected by the underſtanding, that an attempt at once to expel them would not accelerate, but retard perfection; not introduce order, but be the too readily obeyed ſignal of confuſion.

I ſhould therefore be no friend to any forcible means which ſhould ſecularize the *monaſtic orders* of a ſtate, or in a manner diſſecularize the others; ſhould trample on the ſolemn ornaments of the churches, or infringe the ſtillneſs of the cloiſter. To me, and to many, religion is in her proper garb when ſimple and unadorned: but if the cuſtom of others has been to preſent her to their imaginations in habits which to their ideas are more ſuited to her native dignity, the end of both may be ſtill the ſame: the habitual veneration of the deity, the diſpoſitions of purity and benevolence, may be forming equally under different means adapted to our different tempers and early uſe. If we both are left at liberty to purſue our reſpective modes of expreſſing our common duty, without loſs of civil or ſocial eſtimation, all is right. Mr. Capel Loffft

ANONY.

ANONYMOUS.

WITH regard to the reſumption of the *church lands*, which is a very favourite theme of Mr. Burke's defamation, and which he prepoſterouſly repreſents as an act of lawleſs rapine, and a violation of the fundamental principles of public juſtice; I beg leave to obſerve, that it cannot be pretended that the *clergy* in *France*, or in any other kingdom, hold their eccleſiaſtical preferments by the ſame tenure with their private eſtates and perſonal property. The clergy are a claſs of citizens, to whom is allotted, in common with other claſſes of men of other deſcriptions, a portion of the national revenue, as a compenſation for certain ſervices to be rendered to the ſtate or the community, and certain duties to be performed.—" But," to tranſcribe the words of the preſent excellent biſhop of London, in his primary charge to the clergy of his dioceſe, " if once we relinquiſh our proper " ſtations, and ruſh into the world; if we conſider " our preferments merely as life-eſtates, without " any regard to the perſonal ſervices and perſonal " duties with which they are charged; we ſhall " moſt aſſuredly forfeit the good opinion, and, " with this, the ſupport of the ſtate. The firm " ground we now ſtand upon, will ſink from under " our feet, and our properties and revenues will be " ſwept away like thoſe of our brethren in a neigh-

" bouring

" bouring kingdom, whoſe deſpoliation is ſaid to Anonymous
" have been no leſs owing to their non-reſidence,
" their love of pleaſure, their loſs of the public eſteem,
" than to the ſubverſion of the civil government."
Will any one dare to affirm, that, in caſes ſimilar to that which the venerable prelate here ſuppoſes, a reſumption of that part of the national revenue, ſo uſeleſsly, or rather ſo miſchievouſly appropriated, would be no better than a public robbery? Nothing can be clearer, than that the ſtate poſſeſſes the ſame inherent authority to reduce or reſume the revenues of the clergy, as the revenues of the army, or of the various claſſes of perſons employed in the civil departments of the ſtate. Who will diſpute the authority of the ſtate to reduce the public ſtipends of the bench of judges? Do the bench of biſhops hold their emoluments by a tenure more ſacred? The eccleſiaſtical eſtabliſhment itſelf exiſts but by the favour and permiſſion of the ſtate. And ſome who rank high as chriſtian philoſophers have not heſitated to declare themſelves of opinion, that the whole apparatus is as ſuperfluous as it is expenſive; and that chriſtianity flouriſhed much more before it formed an alliance with the civil powers, than it has ever done ſince. And indeed, if the French are, as Mr. Burke aſſerts, a nation of atheiſts, notwithſtanding the ineſtimable advantages which, according to him, reſult from a religious eſtabliſhment, mere curioſity would lead us to enquire, what they would have been if no ſuch eſtabliſhment had ever exiſted. The national

Anonymous. tional aſſembly are far from entertaining, however, the moſt diſtant idea of aboliſhing the eccleſiaſtical eſtabliſhment. They have, indeed, blaſted for ever the proſpects of ambition and avarice in the church, by a reduction and equalization of its enormous wealth. They have aboliſhed pluralities; they have enforced reſidence; they have extinguiſhed patronage. Theſe are the mighty evils they have done. And Mr. Burke, in his profound wiſdom, has taken upon him to pronounce, "that, "in conſequence of this arrangement, nothing of "ſcience or erudition can exiſt in the Gallican "church; that all men of ſobriety will be driven "from the clerical profeſſion; and that the Galli-"can clergy will be degraded into a ſet of licen-"tious, bold, craſty, factious, flattering wretches." And he adds, "that the preſent ruling powers have "ſubſtituted, for that property of which they have "plundered the church, a degrading penſionary "eſtabliſhment, to which no man of liberal ideas, "or liberal condition, will deſtine his children." But how do *facts* correſpond with theſe weak, raſh, and dogmatical aſſertions? Do men of liberal ideas, and liberal condition, in this or any other country, Utopia excepted, really ſcruple to accept of civil employments for themſelves, or their children, becauſe they are degraded by the penſionary eſtabliſhments or pecuniary appointments annexed to them? If not—how will the eccleſiaſtical dignity be degraded by them? Are not the clergy in Holland, and America, and Switzerland, ſupported in this

this manner? Then, why may not the French government adopt the ſame mode of ſupporting the French clergy, without being reviled for it by Mr. Burke? And though in the church of Scotland, as now in France, there are no middle claſſes of clergy, who *are left at their eaſe*, as Mr. Burke phraſes it, or, in other words, who poſſeſs large revenues, and perform no ſervices—" no lordly abbots, purple as their wines—no downy doctors, to ſlumber and fatten in the ſtalls of theology;" yet it will not be ſaid, that nothing of ſcience or erudition exiſts in the Scottiſh church, ſo long as a Robertſon, a Campbell, a Gerard, a Blair, and many other names which might be enumerated, continue to adorn and dignify her communion.

Anonymous.

REV.

REV. MR. NARES.

Principles of Government oppoſed to French Errors.

THOUGH it be a moſt falſe, and the refuge of a deſperate perverſeneſs, to aſſert that religion was at firſt invented by the magiſtrate or lawgiver, the better to effect his purpoſes; yet certain it is, that to law and public order there can be no aid ſo perfect or ſo powerful as religious principle. That which pervades the heart, and regulates the ſecret ſprings of actions, is able to prevent ſuch crimes, and diſpoſition towards offence, as human law can never take within its cognizance; and, by referring to a judge of infinite intelligence, excludes all hope of paſſing undetected. An aid ſo powerful ſhould, moſt aſſuredly, be ſought by every wiſe and prudent lawgiver; and a good man, in thoſe circumſtances, muſt naturally wiſh to make that doctrine prevalent which he himſelf believes to be divine.

Now it ſeems impoſſible, that without the aid of an eſtabliſhment the culture of religion can be properly encouraged, or its permanence ſecured: for, though to entertain ſome notions of religion be ſo natural to man that he is hardly ever found diveſted of them totally, yet, to think correctly on a ſubject ſo abſtruſe, or to act conſiſtently with ſuch good principles as he admits, are things ſo little ſuited to his feeble reaſon and ſtrong paſſions, that we find him always liable to the greateſt corrup-

tions

tions in opinion, and the moſt extreme licentiouſneſs in conduct. Rev. Mr. Nares.

As an anchor, to prevent in ſome degree uncertain fluctuations, an eſtabliſhment is highly uſeful. It is a public teſtimony of preference to the perſuaſion ſo maintained, by which it is enabled to command attention and reſpect. It enforces duties which might otherwiſe ſeem merely ſpeculative; and gives, in due return for the ſupport that law derives from the internal principle, the ſtrength of law to regulate the outward practice.

The religion to be eſtabliſhed in any country muſt be, for many reaſons, that which the people, or an evident majority among them, may approve. In the firſt place, from a kind of neceſſity; for the people, having indefeaſibly the main ſtrength of the ſtate reſiding in them, cannot, if it ſhould become a conteſt, be compelled to pay obedience where they do not give aſſent: or if, in matters of leſs conſequence, they might, yet in that which they ſo ſtrongly feel as their religion they will not be ſo tractable. In the ſecond place, from evident experience; for, as the end of an eſtabliſhment, in common with all other plans of legiſlative wiſdom, is *public benefit*, the greater number it embraces, the more widely are its benefits diffuſed.

With reſpect to the internal form of an eſtabliſhment, ſhould any be preſcribed by the religion thus admitted, that of courſe muſt be preferred. If it be left to men, as in the chriſtian revelation we have cauſe to think it is, to form the government

Rev. Mr. Nares.

of church, as well as ſtate, according to their views of general utility, then it muſt become a work of human wiſdom like the former.

Without attempting a detail, which here would be miſplaced, thus much at leaſt is evident, that of things deſigned for ſimilar ends, the regulation ſhould alſo be, in wiſdom, ſimilar: conſequently, as political eſtabliſhment, conſtructed upon the knowledge of human nature, calls for a gradation of orders, with proviſion for the ableſt minds to govern, and the inferior to obey, with proſpects to excite a laudable ambition for the public ſervice; ſo alſo in the church eſtabliſhment there muſt be, for the ſame reaſons, the like ſubordination, and the ſame incitements.

The eccleſiaſtical eſtabliſhment, as well as every other in the ſtate, muſt be made ſubject to the ſovereign; and it will be right, that in this alſo, as in the others, he ſhould be regarded as the primary ſource of honour. The popular election of biſhops, according to the *new eccleſiaſtical ſyſtem* in *France*, has ſomething ſpecious in it, and might anſwer well when all men had ſome purity of zeal; but in times of much corruption, we well know that the intriguing and impudent would always gain the advantage againſt modeſt piety, learning, and true merit.

As property is, by the natural principles of liberty, inviolable, and government itſelf is inſtituted principally for its defence; it is juſt and neceſſary, that eccleſiaſtical property, in whatever form conferred, ſhould

ſhould be held at leaſt as ſacred as all other. By ecclefiaſtical property, of courſe, is meant that proviſion and ſubſiſtence which men legally acquire by exerciſing religious functions, or by holding any certain rank within the church eſtabliſhment; between which and all other property it ſeems that no diſtinction can be juſtly made; or, if any, ſuch only as muſt be entirely in its favour. Rev. Mr. Nares.

From the office which the miniſters of religion hold, as employed in public worſhip, and in the general inſtruction of the people, it is neceſſary that the whole eſtabliſhment ſhould be maintained by law, on ſuch a footing, that neither dependence may render them timid, nor indigence contemptible. The illiberal of all claſſes, if they could command their teacher, would inſult him; and the vain, if his appearance were not decent, would deſpiſe him. We muſt proceed in this caſe, as in others, not upon the ſuppoſition of the virtues which men ought to have, but ſo as to obviate the danger of thoſe vices which we know are always prevalent.

To all perſuaſions in religion, beſides that legally eſtabliſhed, ſhould be given an entire toleration; with this exception only, that whenever there appears in any ſect a hoſtile and an active ſpirit, eager to ſubvert and to ſupplant the church, to which the law has given eſtabliſhment, ſuch reſtrictions muſt be made as legiſlative wiſdom ſhall eſteem ſufficient to defeat thoſe machinations; that the country be not torn by conteſts the moſt violent

Rev. Mr. Nares.

and dangerous, nor the majority of the people interrupted in the worſhip they prefer, nor deprived of thoſe advantages for the ſake of which the eſtabliſhment was at the firſt deemed neceſſary. To form an inſtitution, and then refuſe protection to it, would be the height of folly. So long as any dangers can be juſtly apprehended, to endeavour to remove ſuch laws as form a barrier to the church eſtabliſhed, would be to try to make the legiſlature counteract itſelf; to perſuade an honeſt man to give away his own ſecurity, and yield, through mere well-meaning, his only weapons of defence to thoſe who have declared themſelves his enemies. While religious opinions continue matter of ſpeculation, or of private obſervance only, they fall not within the juriſdiction of the legiſlator; but when they are productive of deſigns and actions deſtructive of that order which the wiſdom and goodneſs of the nation have appointed, they then require reſtraint and counteraction.

ANONYMOUS.

RELIGIOUS inſtitutions have generally, if not conſtantly, reſembled the co-exiſting civil inſtitutions of the countries in which they prevailed, both in their exterior and in their interior frame: and there has been perceived to ſubſiſt between religious and civil inſtitutions, an action which has at all times been mutual, and for the moſt part uniform. Theſe facts may be illuſtrated by referring to the hiſtory of nations, either ancient or modern.

Civil and Eccleſiaſtical Syſtems, &c. defended, &c.

It is not neceſſary to dwell upon what is recorded of the religious and the civil eſtabliſhments of the Jews (in the formation of which the Omniſcient himſelf was concerned), it being univerſally known, that among that people religion and politics were not merely allied, but in every part thoroughly blended and incorporated.

I ſhall ſay nothing of the religious ſyſtems of thoſe fathers of ſcience and of elegance, the Egyptians and the Greeks, or of the purpoſes to which they applied them; being convinced, that wherever the dull, unfeeling advocates of metaphyſical polity obtain a hearing, analogies drawn from the venerable rites of paſt ages can have but little weight. Yet I muſt ſay, that, as both of thoſe celebrated nations poſſeſſed great wiſdom, none of their inſtitutions can be ſuppoſed to have been en-

Anonymous. tirely void of importance, with regard to either its ſtructure or its deſtination.

I ſhall not expatiate on the ſacred inſtitutions even of the Romans. I ſhall forbear to point out, how conſtantly the religious notions of that celebrated people mingled with their political deliberations; and alſo, in what degree they contributed to the ſucceſs of their enterpriſes. Nor is ſuch forbearance likely to be regretted. For, who has not read, or heard, of the high reverence of the Romans for their gods; of their exalted ſentiments reſpecting the ſanctity of oaths; and of the elation, or the dejection of mind, which the declaration of one officiating in holy things could occaſion in every rank of the moſt numerous of their armies? The religious and the civil inſtitutions of the Romans, however, did not unite, and reſemble each other, merely in their ſpirit: there was alſo a connection, and a reſemblance between them, with regard to their outward form and economy. The gradations of their prieſts correſponded to thoſe of their magiſtrates. The former were as much reſpected, and honoured, as the latter; and, on moſt occaſions, they were almoſt as fully occupied in enſuring the ſucceſs of civil and military affairs. But, if the prieſthood were occaſionally employed in managing the concerns of the ſtate, ſo were the civil officers in executing the functions of the altar. When the Romans were republicans, their chief magiſtrate was the high prieſt. When they had kings, kings were the firſt miniſters of their divi-

nities. And, when they lived under emperors, emperors were the ſovereign pontiffs. Anonymous.

The ſagacity of later times, while it has been improving the arts, by dividing and ſubdividing labour, has wiſely ſeparated the external duties of the prieſt from thoſe of the magiſtrate. It has not, however, aimed at interrupting the reciprocal operations of eccleſiaſtical and civil eſtabliſhments. In the hiſtory, therefore, of later times, there may be found circumſtances relative to the preſent topic which deſerve attention.

The ſovereigns of Ruſſia, comparatively indigent, and uncommonly fond of unlimited authority, could not, in legiſlating for their dominions, be expected to ſuffer their clergy to retain the means of becoming very affluent and powerful. Still they were aware, that, in order that the morality of the people might be preſerved; that the civil government might be duly obeyed; and that a becoming deference might be paid to the various degrees of the noble, and the royal; it was requiſite that there ſhould be—not merely an eſtabliſhment, but one calculated to excite reſpect and veneration. They therefore inſtituted a national church—taking care that its external worſhip ſhould be ſurrounded with much ſplendour; that thoſe officiating in it ſhould be variouſly endowed; and that its dignitaries ſhould riſe above each other, in the order of biſhops, archbiſhops, and metropolitans; until, like the barons, counts, and princes, they reached the perſonage on the throne—who is the head at once

Anonymous. of the church and of the ſtate. So much for the outward economy of the northern Greek church.—Its inward economy is fully as well adapted as its outward, to the advancement of what the Ruſſian lawgivers have ſuppoſed to be the intereſts of the empire. The attitudes and the geſtures obſerved in it, are fitted to impreſs the mind with awe. Many of its principles tend to inſpire fear. And few of its precepts fail of inculcating prompt ſubmiſſion to rulers, and perfect obedience to commanders.

The Turkiſh religious and civil ſyſtems are cloſely united. They are ſo cloſely united that they never can be ſeparated without being deſtroyed. The ſultan never decides upon any important political meaſure, without having aſked, and received, the opinion of the mufti. As to the vizier, whether he guide in the cabinet or command in the field, he knows that he muſt not outrage that ſpirit which the alcoran hath ſent abroad. He knows, too, that his maſter can wear his imperial turban, and that he himſelf can retain his head, only while that implicit faith, and that animating enthuſiaſm, which reſult from the doctrines of the prophet, continue to be cheriſhed.—In the civil department of the Ottoman empire, there are no gradations of rank, or titles of honour, except thoſe which are enjoyed as official appurtenances by the great miniſters of ſtate; and even theſe are far from being numerous. In like manner, there are, in that empire, but very few eccleſiaſtical

ſiaſtical orders and appellations. The title of mufti is the only one that I recollect, which raiſes the perſon bearing it to conſiderable eminence.— Theſe matters are external. Look now at the inſide of things. The moment you do ſo, you will perceive the Mahometan religion to be arrogant and intolerant beyond meaſure. But you will alſo perceive, after due reflection, that it is on theſe very accounts that it ſo well befits the government of a deſpot; and ſo readily aſſimilates with laws adminiſtered by one calling himſelf "the ſhadow "of God, and the diſpoſer of all earthly crowns." Anonymous.

With regard to the church government, and the religious principles now prevailing in all the dominions of the catholic king, it muſt be acknowledged, that they are highly conſentaneous to the fabric, and to the genius, of the civil ſyſtem according to which thoſe dominions are regulated.—The gradation of ranks and of titles among the clergy of Spain, correſponds with wonderful exactneſs to that of the ranks and titles poſſeſſed by the laity. Her eccleſiaſtical eſtabliſhment, too, is not unlike her civil—either in the largeneſs of its revenues, or in the purpoſes to which they are applied. The church, as well as the government, is fond of ſplendour—and both are very ſplendid. You will find them to be ſo, whether you witneſs the ordinary rites at the altar, and then the uſual ceremonies at court; whether you join in the obſervance of an hallowed feſtival, and then in the celebration

of

Anonymous. of a royal marriage; or whether you partake of the triumphant ecſtaſies of a ſacred jubilee, and then of the unbounded rejoicings of a long deſired coronation.—As, by the miniſters of religion, appeals are often made to the ſenſes of men, but ſeldom to their underſtandings; ſo, by the miniſters of ſtate, the eye and the ear are frequently gratified, while the judgment is commanded to ſtand aloof. At the head of their church the Spaniards have a pontiff deemed by them infallible: and, becauſe this is the caſe, their rulers have attempted, on more occaſions than one, to give currency and credit to an opinion of their king's being likewiſe exempt from fallibility. Yes; and many of the Spaniards have believed, while almoſt the whole of them have acted as if they believed, that, in the propagation of ſuch an opinion, there can be no fraud—having abandoned enquiry, in political matters, to ſuch a degree, as to admit, in all its parts, the ſlaviſh doctrine of paſſive obedience.—The ſchemes of their church have, for ages, tallied admirably with the arbitrary meaſures and the ambitious views of their government. Allowing of perſecution for the ſake of opinion, their religion has never impeded the progreſs of conqueſt, by raiſing either the ſtern voice of juſtice, or the mild accents of humanity.—In a word, the external frame of the eccleſiaſtical eſtabliſhment of the Spaniards, is very well ſuited to that of their civil eſtabliſhment, and their religious principles; to the proportion of knowledge, and to the habits of thinking,

thinking, and of acting, which their ſtateſmen wiſh the great body of the people to poſſeſs. Aided by ſuch a religion, they may for a conſiderable time retain ſuch a government; and ſuch a government will always have an high intereſt in protecting ſuch a religion. Anonymous.

The Romiſh religion is divided into popery and catholiciſm. The former inclines eternally towards unlimited power; but the latter is, by one large degree, more tolerant and rational than the former. As to proteſtant epiſcopacy, it is in all reſpects more liberal, and more conformable to reaſon, than catholiciſm. Popery would admit of a deſpot eccleſiaſtical, as well as civil; catholiciſm would recogniſe only the civil deſpot; while proteſtant epiſcopacy would promptly and diſdainfully reject both. Proteſtant epiſcopacy, however, would deſire to have a monarch: but then, ſhe would inſiſt upon ſeeing his authority duly circumſcribed by the laws.

Oliver Cromwell, well aware of all theſe things, reſolved to exterminate even proteſtant epiſcopacy. He himſelf preferred no religion, merely as ſuch, before any other. He profeſſed preſbytery, but he practiſed hypocriſy. Indeed, it was not neceſſary for him to attach himſelf entirely to any particular ſect. It was enough for him to be a ſectary, and an enemy to the epiſcopal eſtabliſhment. But he was more than a ſectary, and an enemy to the epiſcopal eſtabliſhment. He was an advocate for "thoſe natural rights of man," which the pitiful ſpeculators of theſe times wiſh to ſubſtitute

Anonymous. ſubſtitute for *the rights of Engliſhmen.* He was a friend alſo to that " perfect equality of citizens," which is to be produced, it ſeems, not by lifting the needy out of the dunghill, and ſetting him among princes; but by conſtraining princes to deſcend from their palaces, that they may live with beggars upon dunghills. In co-operation, therefore, with the ſupporters of his uſurpation (all of whom were meek diſſenters) Oliver completely ſubverted both the hierarchy and the monarchy;—thus making room for forms of government, in church and in ſtate, admirably accommodated to the temporal intereſts of himſelf and his friends, and abundantly congenial to the ſpirit of their divers religions.—Theſe dreadful effects would, at any preceding period, have followed from ſimilar cauſes. Such effects would reſult from ſuch cauſes at this day. Grant an aſcendancy, all over the kingdom, to the power of any one of the ſects that have lately endeavoured to ſtrike at the conſtitution through the medium of the corporation and teſt acts—and farewel at once to epiſcopacy and monarchy! " Privy conſpiracy, ſedition, and re-" bellion," have always been, and always will be, the early, vigorous offſpring of " falſe doctrine, " hereſy, and ſchiſm."

Why ſhould one take the trouble of enlarging upon this topic? Is not the influence of religion upon government, and of eccleſiaſtical upon civil eſtabliſhments, well known to every ſtateſman, and to every ſcholar? Have not the Dutch continued for ages to be republicans, chiefly becauſe they

they have been calviniſts? And are not the Genevans greatly indebted, for their preſent conſtitution, to their calviniſtical doctrines? Anonymous.

But the Scotch are calviniſts; and they live, as we do, under a king. True: yet it is not owing to their religious tenets that they ſwear allegiance to a monarch. They conſtitute a part of the Britiſh nation; and, as the ſame perſons who legiſlate for Engliſhmen legiſlate for them, they know that they can have no law of which their more powerful neighbours diſapprove. Beſides, the chief of the nobility and of the gentry of Scotland (as the diſſenters have juſtly obſerved) are either epiſcopalians by principle, or occaſional conformiſts to the epiſcopal church, in conſequence of their reſiding ſo much in the ſouthern part of the iſland, and of their being ſubject to the operation of the teſt laws in whatever part of it they reſide. Now, if to theſe conſiderations be added, that of the Scotch enjoying a religion which is eſtabliſhed and protected by law; that of their having, as a people, a great deal more to loſe, and much leſs to gain, by a revolution in the ſtate, than the Engliſh ſectaries have; and alſo, that of thoſe among them who lead in the walks either of literature or of politics, being far more peaceable and loyal than our Paines, &c.; it will not be difficult to diſcover, why they continue to live, like the majority of ourſelves, contentedly and happily under a monarchical form of government.—While the union between England and Scotland remains in force, and while the corporation

Anonymous. poration and teſt acts are permitted to operate, the preſbyterian principles diffuſed over the latter country will not be found to have injured that conſtitution with which both countries are now bleſſed.

The caſe, then, of the Scotch furniſhes no ſound argument againſt the truth of that general aſſertion —of the reſemblance and affinity of religious to civil eſtabliſhments, with which I ſet out.—Nor does the caſe of any other civilized nation afford an argument that militates againſt it in ſuch a degree as to demand attention. FRANCE affords none—France, the government of which has been changed, in a very ſhort ſpace of time, from a pure monarchy to a democracy of the moſt licentious kind. The revolution which that country has experienced, would have been a caſe in point—it would have been one very capable of exciting wonder—had thoſe who brought it about been papiſts, or catholics, or even epiſcopalians. But they were none of theſe. They were not ſo much as calviniſts:—nay, they were not even chriſtians. They were deiſts, and atheiſts, and univerſal ſceptics. Their new conſtitution is ſuch as it was reaſonable to expect from ſuch founders.

I recur, for a few moments, to the Engliſh hiſtory, which tells many an affecting tale with regard to the mutual influence of religion and politics. From it we learn, that, at what time ſoever popery has prevailed among us, tyranny has prevailed; and that the growth and the decay of the one, have

have always been proportionate to the growth and the decay of the other. We alſo learn from it, that the phrenſy of puritaniſm has ever been devoutly attended by the perturbation of democracy; and that the beneficent, peaceful ſway of well digeſted, equal laws has been felt—only when a religion mild, benign, and dignified, has been eſtabliſhed. Can any one be at loſs to name the ſupreme rulers under whom tyranny, democracy, and the bleſſings of equal laws, have obtained in the moſt remarkable manner? Is it requiſite to mention ſanguinary Mary? Oliver Cromwell? or George the third? Let an intelligent ſtranger be informed of the ſtate of religion under any of theſe three perſonages, and he will gueſs ſhrewdly at the principles of governing by which it was accompanied. Or, give him a true deſcription of the government that prevailed under any of them, and he will tell you the character of the co-exiſting religion. Anonymous.

"You cannot" (ſays Dr. Prieſtley, in his anſwer to Mr. Burke's Reflections on the French Revolution) "be ſo little read in the hiſtory of "England, as not to know that the *church* and *ſtate* "were as much connected before the reformation "as they have been ſince, and while the eſtabliſh-"ment was preſbyterian, as well as now that it is "epiſcopalian." All this is well enough. There certainly was as great a connexion between popery and tyranny before the reformation, and between preſbytery and democracy during that later period which conſtituted "the reign of the ſaints," as there

Anonymous. there now is between epiſcopacy and limited monarchy; and it is very unlikely that Mr. Burke ſhould be "ſo little read in the hiſtory of England" as to be ignorant of ſuch things.—"You muſt "know alſo" (ſays the doctor to his right honourable correſpondent) "that the inhabitants of this coun- "try were at one time as zealous papiſts as they "are now proteſtants, and yet they were brought "to make a change in their eſtabliſhed religion, "and that this was done without making any ma- "terial change in the ſyſtem of civil government." This, like every thing elſe ſaid by Dr. Prieſtley relative to eſtabliſhments, is in part true, and in part falſe. It is true, "that the inhabitants of this "country were, at one time, as zealous papiſts "as they now are proteſtants:" but it is not true, "that they" (the inhabitants of this country, *i. e.* the great body of the people) "were brought to make "a change in their eſtabliſhed (popiſh) religion." The change introduced into the eſtabliſhed religion was begun without the knowledge of moſt of the people, and contrary to the opinion of almoſt every one of them who did know any thing of it. It was the will of the king that firſt moved the things deſtined to be changed; and it was the power of the king, without any regard having been paid to the will of the people, that continued thoſe things in motion till the deſtined change was effected.—Neither is it true, that a change took place in the eſtabliſhed religion "without making any "material change in the ſyſtem of civil govern-

" ment." The change made in the latter did not, indeed, become apparent the very day, or the very week, in which a change took place in the former; for the ſame inordinate power which enabled Henry VIII. to throw down the monaſteries, and to alienate their revenues, alſo enabled him to check that freedom of diſcuſſion, and that open avowal of ſentiment, for which the melioration of the eccleſiaſtical ſyſtem had given the public a turn. Yet, from the very day in which an alteration took place in the eſtabliſhment, the civil ſyſtem partook of another ſpirit; and tyranny trembled. The ſalutary conſequences of the reformation, upon both the laws and the adminiſtration of them, though interrupted for a while by Mary, were not long in manifeſting themſelves fully to all Europe.—" You muſt know" (adds the doctor) " that the preſbyterians in Scotland, " and the epiſcopalians in England, have at this " very time the ſame king and the ſame parliament. " But how do theſe facts agree with your favourite " idea of the inſeparable union of church and ſtate?" Perfectly well. It never has been alleged, that there is an union between the eccleſiaſtical eſtabliſhment of Scotland and the Engliſh monarchy; for there ſubſiſts none. But it has always been alleged, that there is an union between the eccleſiaſtical eſtabliſhment of England and the Engliſh monarchy; for there ſubſiſts between them one both cloſe and firm—ſo cloſe, and ſo firm, as to have

Anonymous.

Anonymous. been very juſtly termed "inſeparable." From ſuch arguments as may be adduced in favour of this union, the circumſtance of the want of a ſimilar union in Scotland can detract nothing. It can no more detract from them, than the circumſtance of biſhop Horſeley's not being a convert to the anti-chriſtian doctrines of Socinus, can detract from any argument that may be uſed to prove that doctor Prieſtley is a convert to thoſe doctrines.—The doctor concludes thus: "What, then, is the "foundation of the dread you have entertained of "any *future* change in the religion of our country, "when no harm, but, as all proteſtants think, "much advantage, has been derived from *paſt* "changes in it?" The doctor can hardly be "ſo "little read in the hiſtory of England," as not to be able to anſwer his own queſtion. If, however, he ſhould be at a loſs to gueſs at "the foundation "of the dread entertained of any *future* change in "the religion of our country," let him conſult the multifarious polemical productions of Joſeph Prieſtley, LL. D.—With regard to the allegation of "all proteſtants thinking that much advantage "has been derived from *paſt* changes in the reli-"gion of our country," the doctor can hardly hope that it will be univerſally received as a true one. There have, in truth, taken place, in the religion of our country, only two great changes; and thoſe who are "read in hiſtory" will not heſitate to date the one ſome time during the reign of Henry

Henry the eighth; and the other ſome time during the ſanctified protectorate of Oliver Cromwell—of happy memory. Now, the proteſting catholics (and thoſe who proteſt are proteſtants) are not likely to approve much of the one change; and though Dr. Prieſtley may chooſe to aſſert (he cannot be ſo weak as to believe the fact) that much advantage has been derived from the other, the far greater number of proteſtants will, in all probability, continue to be, as they now are, entirely perſuaded, that it was altogether the reverſe of what Engliſhmen ought to deem an advantage. Anonymous.

We have now had an imperfect view of the mode, and of the meaſure, in which the co-exiſting religious and civil inſtitutions of the ſame country reſemble each other—with regard both to their exterior, and their interior ſtructure; and, alſo, of the mutual action and re-action of ſuch inſtitutions upon one other. We have likewiſe ſeen in what manner particular ſyſtems of government wait upon particular ſyſtems of religion.—It would be eaſy to ſhew the converſe of this laſt caſe—that is, to make it appear, how apt particular ſyſtems of religion are to follow particular ſyſtems of government. But it occurs to me, that, after what has been advanced, it is not neceſſary to enter far into the ſubject. I ſhall, therefore, reſt ſatisfied with ſtating the matter generally, and in the words of the baron de Monteſquieu:

"When a religion is introduced and fixed in a

Anonymous. "ſtate, it is commonly ſuch as is moſt ſuitable to "the plan of government there eſtabliſhed; for "thoſe who receive it, and thoſe who are the cauſe "of its being received, have ſcarcely any other "idea of policy than that of the ſtate in which they "were born.

"When the chriſtian religion, two centuries "ago, became unhappily divided into catholic "and proteſtant, the people of the north embraced "the proteſtant, and thoſe of the ſouth adhered "ſtill to the catholic.

"The reaſon is plain: the people of the north "have, and will for ever have, a ſpirit of liberty "and independence, which the people of the ſouth "have not; and therefore a religion which has no "viſible head, is more agreeable to the indepen- "dency of the climate than that which has one.

"In the countries themſelves where the pro- "teſtant religion became eſtabliſhed, the revolu- "tions were made purſuant to the ſeveral plans of "political government. Luther, having great "princes on his ſide, would never have been "able to make them reliſh an eccleſiaſtic autho- "rity that had no exterior pre-eminence; while "Calvin, having to do with people who lived "under republican governments, or with obſcure "citizens, and monarchies, might very well avoid "eſtabliſhing dignities and pre-eminence."—— Similar principles regulate, at this day, the conduct both of ſeparate nations, and of different claſſes

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of men in the ſame nation. Proteſtant politicians, who wiſh to preſerve degrees of rank and of honorary diſtinction, cheriſh the Lutheran, but not the Calviniſtic ſpirit; while thoſe who take upon them to rail againſt "principalities and powers," cheriſh no ſpirit leſs prone to levelling than that of Calviniſm. Anonymous.

Principles of the Revolution in 1688, *&c.*

Mr. BURKE.

THE gentlemen of the Old Jewry, in all their reaſonings on the revolution of 1688, have a revolution which happened in England about forty years before, and the late French revolution, ſo much before their eyes, and in their hearts, that they are conſtantly confounding all the three together. It is neceſſary that we ſhould ſeparate what they confound. We muſt recall their erring fancies to the *acts* of the revolution which we revere, for the diſcovery of its true *principles*. If the *principles* of the revolution of 1688 are any where to be found, it is in the ſtatute called the *declaration of right*. In that moſt wiſe, ſober, and conſiderate declaration, drawn up by great lawyers and great ſtateſmen, and not by warm and inexperienced enthuſiaſts, not one word is ſaid, nor one ſuggeſtion made, of a general right "to chooſe "our own *governors*; to caſhier them for miſcon- "duct; and to form a government for *ourſelves*."

Reflections on the Revolution in France, &c. by Mr. Burke.

This declaration of right (the act of the 1ſt of William and Mary, ſeſſ. 2. ch. 2.) is the corner-ſtone of our conſtitution, as reinforced, explained,

Mr. Burke. improved, and in its fundamental principles for ever ſettled. It is called "An act for declaring "the rights and liberties of the ſubject, and for "*ſettling* the *ſucceſſion* of the crown." You will obſerve, that theſe rights and this ſucceſſion are declared in one body, and bound indiſſolubly together.

A few years after this period, a ſecond opportunity offered for aſſerting a right of election to the crown. On the proſpect of a total failure of iſſue from king William, and from the princeſs, afterwards queen Anne, the conſideration of the ſettlement of the crown, and of a further ſecurity for the liberties of the people, again came before the legiſlature. Did they this ſecond time make any proviſion for legalizing the crown on the ſpurious revolution principles of the Old Jewry? No—They followed the principles which prevailed in the declaration of right; indicating with more preciſion the perſons who were to inherit in the proteſtant line. This act alſo incorporated, by the ſame policy, our liberties and an hereditary ſucceſſion in the ſame act. Inſtead of a right to chooſe our own governors, they declared that the *ſucceſſion* in that line (the proteſtant line drawn from James the firſt) was abſolutely neceſſary "for "the peace, quiet, and ſecurity of the realm;" and that it was equally urgent on them "to maintain "a *certainty in the ſucceſſion* thereof, to which the "ſubjects may ſafely have recourſe for their pro-"tection." Both theſe acts, in which are heard the unerring,

unerring, unambiguous oracles of revolution policy, inſtead of countenancing the deluſive gipſy predictions of "a right to chooſe our governors," prove to a demonſtration how totally adverſe the wiſdom of the nation was from turning a caſe of neceſſity into a rule of law. Mr. Burke.

Unqueſtionably there was at the revolution, in the perſon of king William, a ſmall and a temporary deviation from the ſtrict order of a regular hereditary ſucceſſion; but it is againſt all genuine principles of juriſprudence to draw a principle from a law made in a ſpecial caſe, and regarding an individual perſon. *Privilegium non tranſit in exemplum.* If ever there was a time favourable for eſtabliſhing the principle, that a king of popular choice was the only legal king, without all doubt it was at the revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no perſon ſo completely ignorant of our hiſtory, as not to know, that the majority in parliament of both parties were ſo little diſpoſed to any thing reſembling that principle, that at firſt they were determined to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of king James, the eldeſt born of the iſſue of that king, which they acknowledged as undoubtedly his. It would be to repeat a very trite ſtory, to recall to your memory all thoſe circumſtances which demonſtrated that their accepting king William was not properly

Mr. Burke. perly a *choice*; but, to all thoſe who did not wiſh in effect to recall king James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril they had juſt eſcaped, it was an act of *neceſſity*, in the ſtricteſt moral ſenſe in which neceſſity can be taken.

In the very act, in which for a time, and in a ſingle caſe, parliament departed from the ſtrict order of inheritance, in favour of a prince, who, though not next, was however very near in the line of ſucceſſion, it is curious to obſerve how lord Somers, who drew the bill called the declaration of right, has comported himſelf on that delicate occaſion. It is curious to obſerve with what addreſs this temporary ſolution of continuity is kept from the eye; whilſt all that could be found in this act of neceſſity to countenance the idea of an hereditary ſucceſſion is brought forward, and foſtered, and made the moſt of, by this great man, and by the legiſlature who followed him. Quitting the dry, imperative ſtyle of an act of parliament, he makes the lords and commons fall to a pious, legiſlative ejaculation, and declare, that they conſider it "as a marvellous providence, and mer-"ciful goodneſs of God to this nation, to preſerve "their ſaid majeſties' *royal* perſons, moſt happily "to reign over us *on the throne of their anceſtors*, for "which, from the bottom of their hearts, they "return their humbleſt thanks and praiſes."— The legiſlature plainly had in view the act of recognition of the firſt of queen Elizabeth, chap. 3d,

and

and of that of James the firſt, chap. 1ſt, both acts ſtrongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal preciſion, the words, and even the form of thankſgiving, which is found in theſe old declaratory ſtatutes. Mr. Burke.

The two houſes, in the act of king William, did not thank God that they had found a fair opportunity to aſſert a right to chooſe their own governors, much leſs to make an election the *only lawful* title to the crown. Their having been in a condition to avoid the very appearance of it, as much as poſſible, was by them conſidered as a providential eſcape. They threw a politic, well-wrought veil over every circumſtance tending to weaken the rights, which in the meliorated order of ſucceſſion they meant to perpetuate; or which might furniſh a precedent for any future departure from what they had then ſettled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preſerve a cloſe conformity to the practice of their anceſtors, as it appeared in the declaratory ſtatutes of queen Mary * and queen Elizabeth, in the next clauſe they veſt, by recognition, in their majeſties, *all* the legal prerogatives of the crown, declaring, "that in them they are moſt *fully*, rightfully, and "*entirely* inveſted, incorporated, united, and an-"nexed." In the clauſe which follows, for prevent-

* 1ſt Mary, ſeſſ. 3. ch. 1.

ing

Mr. Burke. ing queſtions, by reaſon of any pretended titles to the crown, they declare (obſerving alſo in this the traditionary language along with the traditionary policy of the nation, and repeating as from a rubric the language of the preceding acts of Elizabeth and James) that on the preſerving "a "*certainty* in the SUCCESSION thereof, the unity, "peace, and tranquillity of this nation doth, under "God, wholly depend."

They knew that a doubtful title of ſucceſſion would but too much reſemble an election; and that an election would be utterly deſtructive of the "unity, peace, and tranquillity of this nation," which they thought to be conſiderations of ſome moment. To provide for theſe objects, and therefore to exclude for ever the Old Jewry doctrine of "a right to chooſe our own governors," they follow with a clauſe containing a moſt ſolemn pledge, taken from the preceding act of queen Elizabeth; as ſolemn a pledge as ever was or can be given in favour of an hereditary ſucceſſion, and as ſolemn a renunciation as could be made of the principles by this ſociety imputed to them. "The lords ſpiritual and temporal, and commons "do, in the name of all the people aforeſaid, "moſt humbly and faithfully ſubmit *themſelves*, "*their heirs and poſterities for ever*; and do faith-"fully promiſe, that they will ſtand to, maintain, "and defend their ſaid majeſties, and alſo the "*limitation of the crown*, herein ſpecified and con-"tained, to the utmoſt of their powers," &c. &c.

So far is it from being true, that we acquired a right by the revolution to elect our kings, that, if we had poſſeſſed it before, the Engliſh nation did at that time moſt ſolemnly renounce and abdicate it, for themſelves and for all their poſterity for ever. Theſe gentlemen may value themſelves as much as they pleaſe on their whig principles; but I never deſire to be thought a better whig than lord Somers; or to underſtand the principles of the revolution better than thoſe by whom it was brought about; or to read in the declaration of right any myſteries unknown to thoſe whoſe penetrating ſtyle has engraved in our ordinances, and in our hearts, the words and ſpirit of that immortal law. Mr. Burke.

It is true that, aided with the powers derived from force and opportunity, the nation was at that time, in ſome ſenſe, free to take what courſe it pleaſed for filling the throne; but only free to do ſo upon the ſame grounds on which they might have wholly aboliſhed their monarchy, and every other part of their conſtitution. However, they did not think ſuch bold changes within their commiſſion. It is indeed difficult, perhaps impoſſible, to give limits to the mere *abſtract* competence of the ſupreme power, ſuch as was exerciſed by parliament at that time; but the limits of a *moral* competence, ſubjecting, even in powers more indiſputably ſovereign, occaſional will to permanent reaſon, and to the ſteady maxims of faith, juſtice, and fixed fundamental policy, are perfectly intelligible,

Mr. Burke. telligible, and perfectly binding upon thoſe who exerciſe any authority, under any name or under any title, in the ſtate. The houſe of lords, for inſtance, is not morally competent to diſſolve the houſe of commons; no, nor even to diſſolve itſelf, nor to abdicate, if it would, its portion in the legiſlature of the kingdom. Though a king may abdicate for his own perſon, he cannot abdicate for the monarchy. By as ſtrong, or by a ſtronger reaſon, the houſe of commons cannot renounce its ſhare of authority. The engagement and pact of ſociety, which generally goes by the name of the conſtitution, forbids ſuch invaſion and ſuch ſurrender. The conſtituent parts of a ſtate are obliged to hold their public faith with each other, and with all thoſe who derive any ſerious intereſt under their engagements, as much as the whole ſtate is bound to keep its faith with ſeparate communities. Otherwiſe competence and power would ſoon be confounded, and no law be left but the will of a prevailing force. On this principle the ſucceſſion of the crown has always been, what it now is, an hereditary ſucceſſion by law: in the old line it was a ſucceſſion by the common law; in the new by the ſtatute law, operating on the principles of the common law, not changing the ſubſtance, but regulating the mode, and deſcribing the perſons. Both theſe deſcriptions of law are of the ſame force, and are derived from an equal authority, emanating from the common agreement and original compact of the ſtate, *communi ſponſione reipublicæ*,

like, and as ſuch are equally binding on king and people too, as long as the terms are obſerved, and they continue the ſame body politic. Mr. Burke.

It is far from impoſſible to reconcile, if we do not ſuffer ourſelves to be entangled in the mazes of metaphyſic ſophiſtry, the uſe both of a fixed rule, and an occaſional deviation; the ſacredneſs of an hereditary principle of ſucceſſion in our government, with a power of change in its application in caſes of extreme emergency. Even in that extremity (if we take the meaſure of our rights by our exerciſe of them at the revolution) the change is to be confined to the peccant part only; to the part which produced the neceſſary deviation; and even then it is to be effected without a decompoſition of the whole civil and political maſs, for the purpoſe of originating a new civil order out of the firſt elements of ſociety.

A ſtate without the means of ſome change is without the means of its conſervation. Without ſuch means it might even riſk the loſs of that part of the conſtitution which it wiſhed the moſt religiouſly to preſerve. The two principles of conſervation and correction operated ſtrongly at the two critical periods of the reſtoration and revolution, when England found itſelf without a king. At both thoſe periods the nation had loſt the bond of union in their ancient edifice; they did not, however, diſſolve the whole fabric. On the contrary, in both caſes, they regenerated the deficient part of the old conſtitution through

Mr. Burke. the parts which were not impaired. They kept theſe old parts exactly as they were, that the part recovered might be ſuited to them. They acted by the ancient organiſed ſtates in the ſhape of their old organization, and not by the organic *moleculæ* of a diſbanded people. At no time, perhaps, did the ſovereign legiſlature manifeſt a more tender regard to that fundamental principle of Britiſh conſtitutional policy, than at the time of the revolution, when it deviated from the direct line of hereditary ſucceſſion. The crown was carried ſomewhat out of the line in which it had before moved; but the new line was derived from the ſame ſtock. It was ſtill a line of hereditary deſcent; ſtill an hereditary deſcent in the ſame blood, though an hereditary deſcent qualified with proteſtantiſm. When the legiſlature altered the direction, but kept the principle, they ſhewed that they held it inviolable.

On this principle, the law of inheritance had admitted ſome amendment in the old time, and long before the æra of the revolution. Some time after the conqueſt great queſtions aroſe upon the legal principles of hereditary deſcent. It became a matter of doubt, whether the heir *per capita* or the heir *per ſtirpes* was to ſucceed; but whether the heir *per capita* gave way when the heirdom *per ſtirpes* took place, or the catholic heir when the proteſtant was preferred, the inheritable principle ſurvived with a ſort of immortality through all tranſmigrations—*multoſque per annos ſtat fortuna*

fortuna domûs et avi numerantur avorum. This is the ſpirit of our conſtitution, not only in its ſettled courſe, but in all its revolutions. Whoever came in, or however he came in, whether he obtained the crown by law or by force, the hereditary ſucceſſion was either continued or adopted. Mr. Burke.

The gentlemen of the ſociety for revolutions ſee nothing in that of 1688 but the deviation from the conſtitution; and they take the deviation from the principle for the principle. They have little regard to the obvious conſequences of their doctrine, though they muſt ſee, that it leaves poſitive authority in very few of the poſitive inſtitutions of this country. When ſuch an unwarrantable maxim is once eſtabliſhed, that no throne is lawful but the elective, no one act of the princes who preceded their æra of fictitious election can be valid. Do theſe theoriſts mean to imitate ſome of their predeceſſors, who dragged the bodies of our ancient ſovereigns out of the quiet of their tombs? Do they mean to attaint and diſable backwards all the kings that have reigned before the revolution, and conſequently to ſtain the throne of England with the blot of a continual uſurpation? Do they mean to invalidate, annul, or to call into queſtion, together with the titles of the whole line of our kings, that great body of our ſtatute law which paſſed under thoſe whom they treat as uſurpers? to annul laws of ineſtimable value to our liberties—of as great value at leaſt as any which have paſſed at or ſince the period of the

revolution? If kings, who did not owe their crown to the choice of their people, had no title to make laws, what will become of the ſtatute *de tallagio non concedendo?*—of the *petition of right?*—of the act of *habeas corpus?* Do theſe new doctors of the rights of men preſume to aſſert, that king James the ſecond, who came to the crown as next of blood, according to the rules of a then unqualified ſucceſſion, was not to all intents and purpoſes a lawful king of England, before he had done any of thoſe acts which were juſtly conſtrued into an abdication of his crown? If he was not, much trouble in parliament might have been ſaved at the period theſe gentlemen commemorate. But king James was a bad king with a good title, and not an uſurper. The princes who ſucceeded according to the act of parliament which ſettled the crown on the electreſs Sophia and on her deſcendants, being proteſtants, came in as much by a title of inheritance as king James did. He came in according to the law, as it ſtood at his acceſſion to the crown; and the princes of the houſe of Brunſwick came to the inheritance of the crown, not by election, but by the law, as it ſtood at their ſeveral acceſſions of proteſtant deſcent and inheritance, as I hope I have ſhewn ſufficiently.

The law by which this royal family is ſpecifically deſtined to the ſucceſſion, is the act of the 12th and 13th of king William. The terms of this act bind "us, and our *heirs*, and our *poſterity*, to "them, their *heirs*, and their *poſterity*," being pro-

teſtants, to the end of time, in the ſame words as the declaration of right had bound us to the heirs of king William and queen Mary. It therefore ſecures both an hereditary crown and an hereditary allegiance. On what ground, except the conſtitutional policy of forming an eſtabliſhment to ſecure that kind of ſucceſſion which is to preclude a choice of the people for ever, could the legiſlature have faſtidiouſly rejected the fair and abundant choice which our own country preſented to them, and ſearched in ſtrange lands for a foreign princeſs from whoſe womb the line of our future rulers were to derive their title to govern millions of men through a ſeries of ages? Mr. Burke.

The princeſs Sophia was named in the act of ſettlement of the 12th and 13th of king William, for a *ſtock* and root of *inheritance* to our kings, and not for her merits as a temporary adminiſtratrix of a power, which ſhe might not, and in fact did not, herſelf ever exerciſe. She was adopted for one reaſon, and for one only; becauſe, ſays the act, "the moſt "excellent princeſs Sophia, electreſs and ducheſs "dowager of Hanover, is *daughter* of the moſt "excellent princeſs Elizabeth, late queen of Bo-"hemia, *daughter* of our late *ſovereign lord* king "James the firſt, of happy memory, and is hereby "declared to be the next in *ſucceſſion* in the pro-"teſtant line," &c. &c.; "and the crown ſhall "continue to the *heirs* of her body, being proteſt-"ants." This limitation was made by parliament, that through the princeſs Sophia an inheritable

Mr. Burke. line not only was to be continued in future, but (what they thought very material) that through her it was to be connected with the old ſtock of inheritance in king James the firſt; in order that the monarchy might preſerve an unbroken unity through all ages, and might be preſerved (with ſafety to our religion) in the old approved mode by deſcent, in which, if our liberties had been once endangered, they had often, through all ſtorms and ſtruggles of prerogative and privilege, been preſerved. They did well. No experience has taught us, that in any other courſe or method than that of an *hereditary crown*, our liberties can be regularly perpetuated and preſerved ſacred as our *hereditary right*. An irregular, convulſive movement may be neceſſary to throw off an irregular, convulſive diſeaſe. But the courſe of ſucceſſion is the healthy habit of the Britiſh conſtitution. Was it that the legiſlature wanted, at the act for the limitation of the crown in the Hanoverian line, drawn through the female deſcendants of James the firſt, a due ſenſe of the inconveniencies of having two or three, or poſſibly more, foreigners in ſucceſſion to the Britiſh throne? No! —they had a due ſenſe of the evils which might happen from ſuch foreign rule, and more than a due ſenſe of them. But a more deciſive proof cannot be given of the full conviction of the Britiſh nation, that the principles of the revolution did not authoriſe them to elect kings at their pleaſure, and without any attention to the ancient fundamental

fundamental principles of our government, than their continuing to adopt a plan of hereditary proteſtant ſucceſſion in the old line, with all the dangers and all the inconveniencies of its being a foreign line full before their eyes, and operating with the utmoſt force upon their minds. Mr. Burke.

A few years ago, I ſhould be aſhamed to overload a matter, ſo capable of ſupporting itſelf, by the then unneceſſary ſupport of any argument; but this ſeditious, unconſtitutional doctrine is now publicly taught, avowed, and printed. The diſlike I feel to revolutions, the ſignals for which have ſo often been given from pulpits; the ſpirit of change that is gone abroad; the total contempt which prevails with you, and may come to prevail with us, of all ancient inſtitutions, when ſet in oppoſition to a preſent ſenſe of convenience, or to the bent of a preſent inclination: all theſe conſiderations make it not unadviſable, in my opinion, to call back our attention to the true principles of our own domeſtic laws; that you, my French friend, ſhould begin to know, and that we ſhould continue to cheriſh them. We ought not, on either ſide of the water, to ſuffer ourſelves to be impoſed upon by the counterfeit wares which ſome perſons, by a double fraud, export to you in illicit bottoms, as raw commodities of Britiſh growth though wholly alien to our ſoil, in order afterwards to ſmuggle them back again into this country, manufactured after the neweſt Paris faſhion of an improved liberty.

The people of England will not ape the faſhions they have never tried, nor go back to thoſe which they have found miſchievous on trial. They look upon the legal hereditary ſucceſſion of their crown as among their rights, not as among their wrongs; as a benefit, not as a grievance; as a ſecurity for their liberty, not as a badge of ſervitude. They look on the frame of their commonwealth, *ſuch as it ſtands*, to be of ineſtimable value; and they conceive the undiſturbed ſucceſſion of the crown to be a pledge of the ſtability and perpetuity of all the other members of our conſtitution.

I ſhall beg leave, before I go any further, to take notice of ſome paltry artifices which the abettors of election as the only lawful title to the crown, are ready to employ, in order to render the ſupport of the juſt principles of our conſtitution a taſk ſomewhat invidious. Theſe ſophiſters ſubſtitute a fictitious cauſe, and feigned perſonages, in whoſe favour they ſuppoſe you engaged, whenever you defend the inheritable nature of the crown. It is common with them to diſpute as if they were in a conflict with ſome of thoſe exploded fanatics of ſlavery, who formerly maintained, what I believe no creature now maintains, "that the "crown is held by divine, hereditary, and inde- "feaſible right."—Theſe old fanatics of ſingle arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, juſt as our new fanatics of popular arbitrary power maintain that a popular election is the ſole lawful ſource

ſource of authority. The old prerogative enthuſiaſts, it is true, did ſpeculate fooliſhly, and perhaps impiouſly too, as if monarchy had more of a divine ſanction than any other mode of government; and as if a right to govern by inheritance were in ſtrictneſs *indefeaſible* in every perſon who ſhould be found in the ſucceſſion to a throne, and under every circumſtance, which no civil or political right can be. But an abſurd opinion concerning the king's hereditary right to the crown does not prejudice one that is rational, and bottomed upon ſolid principles of law and policy. If all the abſurd theories of lawyers and divines were to vitiate the objects in which they are converſant, we ſhould have no law, and no religion left in the world. But an abſurd theory on one ſide of a queſtion forms no juſtification for alleging a falſe fact, or promulgating miſchievous maxims on the other. Mr. Burke.

The ſecond claim of the revolution ſociety is "a right of caſhiering their governors for *miſcon-* "*duct.*" Perhaps the apprehenſions our anceſtors entertained of forming ſuch a precedent as that "of caſhiering for miſconduct," was the cauſe that the declaration of the act which implied the abdication of king James, was, if it had any fault, rather too guarded, and too circumſtantial *. But all

* "That king James the ſecond, having endeavoured to "*ſubvert the conſtitution* of the kingdom, by breaking the "*original contract* between king and people, and by the advice "of jeſuits and other wicked perſons, having violated the "*fundamental*

Mr. Burke. all this guard, and all this accumulation of circumſtances, ſerves to ſhew the ſpirit of caution which predominated in the national councils, in a ſituation in which men irritated by oppreſſion, and elevated by a triumph over it, are apt to abandon themſelves to violent and extreme courſes: it ſhews the anxiety of the great men who influenced the conduct of affairs at that great event, to make the revolution a parent of ſettlement, and not a nurſery of future revolutions.

No government could ſtand a moment, if it could be blown down with any thing ſo looſe and indefinite as an opinion of "*miſconduct.*" They who led at the revolution, grounded the virtual abdication of king James upon no ſuch light and uncertain principle. They charged him with nothing leſs than a deſign, confirmed by a multitude of illegal overt acts, to *ſubvert the proteſtant church and ſtate*, and their *fundamental*, unqueſtionable laws and liberties: they charged him with having broken the *original contract* between king and people. This was more than *miſconduct*. A grave and over-ruling neceſſity obliged them to take the ſtep they took, and took with infinite reluctance, as under that moſt rigorous of all laws. Their truſt for the future preſervation of the conſtitution was not in future revolutions. The grand policy of all their regulations was to render it almoſt impracti-

"*fundamental* laws, and *having withdrawn himſelf out of the* "*kingdom*, hath *abdicated* the government, and the throne is "thereby *vacant*."

cable

cable for any future ſovereign to compel the ſtates of the kingdom to have again recourſe to thoſe violent remedies. They left the crown, what in the eye and eſtimation of law it had ever been, perfectly irreſponſible. In order to lighten the crown ſtill further, they aggravated reſponſibility on miniſters of ſtate. By the ſtatute of the 1ſt of king William, ſeſſ. 2d, called "*the act for declaring the* "*rights and liberties of the ſubject, and for ſettling* "*the ſucceſſion of the crown,*" they enacted, that the miniſters ſhould ſerve the crown on the terms of that declaration. They ſecured ſoon after the *frequent meetings of parliament*, by which the whole government would be under the conſtant inſpection and active controul of the popular repreſentative and of the magnates of the kingdom. In the next great conſtitutional act, that of the 12th and 13th of king William, for the further limitation of the crown, and *better* ſecuring the rights and liberties of the ſubject, they provided, "that no pardon "under the great ſeal of England ſhould be plead- "able to an impeachment by the commons in par- "liament." The rule laid down for government in the declaration of right, the conſtant inſpection of parliament, the practical claim of impeachment, they thought infinitely a better ſecurity, not only for their conſtitutional liberty, but againſt the vices of adminiſtration, than the reſervation of a right ſo difficult in the practice, ſo uncertain in the iſſue, and often ſo miſchievous in the conſequences, as that of "caſhiering their governors."

Mr. Burke.

Dr.

Mr. Burke. Dr. Price, in this ſermon *, condemns very properly the practice of groſs, adulatory addreſſes to kings. Inſtead of this fulſome ſtyle, he propoſes that his majeſty ſhould be told, on occaſions of congratulation, that " he is to conſider himſelf as more " properly the ſervant than the ſovereign of his " people." For a compliment, this new form of addreſs does not ſeem to be very ſoothing. Thoſe who are ſervants in name, as well as in effect, do not like to be told of their ſituation, their duty, and their obligations. The ſlave, in the old play, tells his maſter, " *Hæc commemoratio eſt quaſi exprobratio.*" It is not pleaſant, as compliment; it is not wholeſome, as inſtruction. After all, if the king were to bring himſelf to echo this new kind of addreſs, to adopt it in terms, and even to take the appellation of ſervant of the people, as his royal ſtyle, how either he or we ſhould be much mended by it, I cannot imagine. I have ſeen very aſſuming letters, ſigned, " your moſt obedient humble ſervant." The proudeſt domination that ever was endured on earth, took a title of ſtill greater humility than that which is now propoſed for ſovereigns by the apoſtle of liberty. Kings and nations were trampled upon by the foot of one calling himſelf " the ſervant of " ſervants;" and mandates for depoſing ſovereigns were ſealed with the ſignet of " the fiſherman."

I ſhould have conſidered all this as no more than a ſort of flippant vain diſcourſe, in which, as in an unſavoury fume, ſeveral perſons ſuffer the ſpirit of

* P. 22, 23, 24.

liberty

berty to evaporate, if it were not plainly in ſupport of the idea, and a part of the ſcheme of 'caſhiering kings for miſconduct." In that light it is worth ſome obſervation. Mr. Burke.

Kings, in one ſenſe, are undoubtedly the ſervants of the people, becauſe their power has no other rational end than that of the general advantage; but it is not true that they are, in the ordinary ſenſe (by our conſtitution, at leaſt), any thing like ſervants; the eſſence of whoſe ſituation is to obey the commands of ſome other, and to be removeable at pleaſure. But the king of Great Britain obeys no other perſon; all other perſons are individually, and collectively too, under him, and owe to him a legal obedience. The law, which knows neither to flatter nor to inſult, calls this high magiſtrate, not our ſervant, as this humble divine calls him, but "*our ſovereign lord the king*;" and we, on our parts, have learned to ſpeak only the primitive language of the law, and not the confuſed jargon of their Babylonian pulpits.

As he is not to obey us, but as we are to obey the law in him, our conſtitution has made no ſort of proviſion towards rendering him, as a ſervant, in any degree reſponſible. Our conſtitution knows nothing of a magiſtrate like the *Juſticia* of Arragon; nor of any court legally appointed, nor of any proceſs legally ſettled, for ſubmitting the king to the reſponſibility belonging to all ſervants. In this he is not diſtinguiſhed from the commons and the lords; who, in their ſeveral public capacities, can

Mr. Burke.

can never be called to an account for their conduct; although the revolution ſociety chooſes to aſſert, in direct oppoſition to one of the wiſeſt and moſt beautiful parts of our conſtitution, that "a "king is no more than the firſt ſervant of the "public, created by it, *and reſponſible to it.*"

Ill would our anceſtors at the revolution have deſerved their fame for wiſdom, if they had found no ſecurity for their freedom, but in rendering their government feeble in its operations, and precarious in its tenure; if they had been able to contrive no better remedy againſt arbitrary power than civil confuſion. Let theſe gentlemen ſtate who that *repreſentative* public is to whom they will affirm the king, as a ſervant, to be reſponſible. It will be then time enough for me to produce to them the poſitive ſtatute law which affirms that he is not.

The ceremony of caſhiering kings, of which theſe gentlemen talk ſo much at their eaſe, can rarely, if ever, be performed without force. It then becomes a caſe of war, and not of conſtitution. Laws are commanded to hold their tongues amongſt arms; and tribunals fall to the ground with the peace they are no longer able to uphold. The revolution of 1688 was obtained by a juſt war, in the only caſe in which any war, and much more a civil war, can be juſt. "Juſta bella quibus ne- "ceſſaria." The queſtion of dethroning, or, if theſe gentlemen like the phraſe better, "caſhier- "ing" kings, will always be, as it has always been, an extraordinary queſtion of ſtate, and wholly out of

the law; a queſtion (like all other queſtions of Mr. Burke.
ıre) of diſpoſitions, and of means, and of proba-
e conſequences, rather than of poſitive rights.
ıs it was not made for common abuſes, ſo it is not
› be agitated by common minds. The ſpecula-
ve line of demarcation, where obedience ought to
nd, and reſiſtance muſt begin, is faint, obſcure,
nd not eaſily definable. It is not a ſingle act, or
ı ſingle event, which determines it. Governments
muſt be abuſed and deranged indeed, before it can
be thought of; and the proſpect of the future muſt
be as bad as the experience of the paſt. When
things are in that lamentable condition, the nature
of the diſeaſe is to indicate the remedy to thoſe
whom nature has qualified to adminiſter in extre-
mities this critical, ambiguous, bitter portion to a
diſtempered ſtate. Times and occaſions, and pro-
vocations, will teach their own leſſons. The wiſe
will determine from the gravity of the caſe; the
irritable, from ſenſibility to oppreſſion; the high-
minded, from diſdain and indignation at abuſive
power in unworthy hands; the brave and bold,
from the love of honourable danger in a generous
cauſe: but, with or without right, a revolution will
be the very laſt reſource of the thinking and the
good.

The third head of right, aſſerted by the pulpit of the Old Jewry, namely, the "right to form a "government for ourſelves," has, at leaſt, as little countenance from any thing done at the revolution, either

Mr. Burke. either in precedent or principle, as the two firſt of their claims. The revolution was made to preſerve our *ancient* indiſputable laws and liberties, and that *ancient* conſtitution of government, which is our only ſecurity for law and liberty. If you are deſirous of knowing the ſpirit of our conſtitution, and the policy which predominated in that great period which has ſecured it to this hour, pray look for both in our hiſtories, in our records, in our acts of parliament, and journals of parliament, and not in the ſermons of the Old Jewry, and the after-dinner toaſts of the revolution ſociety.—In the former you will find other ideas and another language. Such a claim is as ill ſuited to our temper and wiſhes, as it is unſupported by any appearance of authority. The very idea of the fabrication of a new government, is enough to fill us with diſguſt and horror. We wiſhed at the period of the revolution, and do now wiſh, to derive all we poſſeſs as *an inheritance from our forefathers*. Upon that body and ſtock of inheritance, we have taken care not to inoculate any cyon alien to the nature of the original plant. All the reformations we have hitherto made, have proceeded upon the principle of reference to antiquity; and I hope, nay, I am perſuaded, that all thoſe which poſſibly may be made hereafter, will be carefully formed upon analogical precedent, authority, and example.

Our oldeſt reformation is that of magna charta. You will ſee that ſir Edward Coke, that great oracle

of

of our law, and indeed all the great men who follow him, to Blackſtone*, are induſtrious to prove the pedigree of our liberties. They endeavour to prove, that the ancient charter, the magna charta of king John, was connected with another poſitive charter from Henry I. and that both the one and the other were nothing more than a re-affirmance of the ſtill more ancient ſtanding law of the kingdom. In the matter of fact, for the greater part, theſe authors appear to be in the right; perhaps not always: but if the lawyers miſtake in ſome particulars; it proves my poſition ſtill the more ſtrongly; becauſe it demonſtrates the powerful prepoſſeſſion towards antiquity, with which the minds of all our lawyers and legiſlators, and of all the people whom they wiſh to influence, have been always filled; and the ſtationary policy of this kingdom, in conſidering their moſt ſacred rights and franchiſes as an *inheritance*. Mr. Burke.

In the famous law of the 3d of Charles I. called the *petition of right*, the parliament ſays to the king, "Your ſubjects have *inherited* this freedom," claiming their franchiſes not on abſtract principles "as "the rights of men," but as the rights of Engliſhmen, and as a patrimony derived from their forefathers. Selden, and the other profoundly learned men, who drew this petition of right, were as well acquainted, at leaſt with all the general theories concerning the "rights of men," as any of the

* See Blackſtone's Magna Charta, printed at Oxford, 1759.

diſcourſers

Mr. Burke. diſcourſers in our pulpits, or on your tribune; full as well as doctor Price, or as the abbé Sieyes. But for reaſons worthy of that practical wiſdom which ſuperſeded their theoretic ſcience, they preferred this poſitive, recorded, *hereditary* title to all which can be dear to the man and the citizen, to that vague ſpeculative right, which expoſed their ſure inheritance to be ſcrambled for and torn to pieces by every wild litigious ſpirit.

The ſame policy pervades all the laws which have ſince been made for the preſervation of our liberties. In the 1ſt of William and Mary, in the famous ſtatute called the declaration of right, the two houſes utter not a ſyllable of "a right to frame "a government for themſelves." You will ſee, that their whole care was to ſecure the religion, laws, and liberties, that had been long poſſeſſed, and had been lately endangered. "Taking * into "their moſt ſerious conſideration the *beſt* means "for making ſuch an eſtabliſhment, that their "religion, laws, and liberties might not be in "danger of being again ſubverted," they auſpicate all their proceedings, by ſtating as ſome of thoſe *beſt* means, "in the *firſt place*" to do "as their "*anceſtors in like caſes have uſually* done for vindi- "cating their *ancient* rights and liberties, to *de-* "*clare*;"—and then they pray the king and queen, "that it may be *declared* and enacted, that *all and* "*ſingular* the rights and liberties *aſſerted and declared*

* 1 W. and M.

"are

"are the true *ancient* and indubitable rights and "liberties of the people of this kingdom." Mr. Burke.

You will obſerve, that from magna charta to the declaration of right, it has been the uniform policy of our conſtitution to claim and aſſert our liberties, as an *entailed inheritance* derived to us from our forefathers, and to be tranſmitted to our poſterity; as an eſtate ſpecially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right. By this means our conſtitution preſerves an unity in ſo great a diverſity of its parts. We have an inheritable crown—an inheritable peerage—and an houſe of commons and a people inheriting privileges, franchiſes, and liberties, from a long line of anceſtors.

This policy appears to me to be the reſult of profound reflection; or rather the happy effect of following nature, which is wiſdom without reflection, and above it. A ſpirit of innovation is generally the reſult of a ſelfiſh temper and confined views. People will not look forward to poſterity, who never look backward to their anceſtors. Beſides, the people of England well know, that the idea of inheritance furniſhes a ſure principle of conſervation, and a ſure principle of tranſmiſſion, without at all excluding a principle of improvement. It leaves acquiſition free; but it ſecures what it acquires. Whatever advantages are obtained by a ſtate proceeding on theſe maxims, are locked faſt as in a ſort of family ſettlement; graſped as in a kind of mortmain for ever. By a conſtitutional policy, working after the pattern of nature, we re-

Mr. Burke. ceive, we hold, we tranſmit our government and our privileges, in the ſame manner in which we enjoy and tranſmit our property and our lives. The inſtitutions of policy, the goods of fortune, the gifts of providence, are handed down, to us and from us, in the ſame courſe and order. Our political ſyſtem is placed in a juſt correſpondence and ſymmetry with the order of the world, and with the mode of exiſtence decreed to a permanent body compoſed of tranſitory parts; wherein, by the diſpoſition of a ſtupendous wiſdom, moulding together the great myſterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young; but, in a condition of unchangeable conſtancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progreſſion. Thus, by preſerving the method of nature in the conduct of the ſtate, in what we improve we are never wholly new; in what we retain, we are never wholly obſolete. By adhering in this manner, and on thoſe principles, to our forefathers, we are guided not by the ſuperſtition of antiquarians, but by the ſpirit of philoſophic analogy. In this choice of inheritance, we have given to our frame of polity the image of a relation in blood; binding up the conſtitution of our country with our deareſt domeſtic ties; adopting our fundamental laws into the boſom of our family affections; keeping inſeparable, and cheriſhing with the warmth of all their combined and mutually reflected charities, our ſtate, our hearths, our ſepulchres, and our altars.

Through

Through the ſame plan of a conformity to nature in our artificial inſtitutions, and by calling in the aid of her unerring and powerful inſtincts, to fortify the fallible and feeble contrivances of our reaſon, we have derived ſeveral other, and thoſe no ſmall benefits, from conſidering our liberties in the light of an inheritance. Always acting as if in the preſence of canonized forefathers, the ſpirit of freedom, leading in itſelf to miſrule and exceſs, is tempered with an awful gravity. This idea of a liberal deſcent inſpires us with a ſenſe of habitual native dignity, which prevents that upſtart inſolence almoſt inevitably adhering to and diſgracing thoſe who are the firſt acquirers of any diſtinction. By this means our liberty becomes a noble freedom. It carries an impoſing and majeſtic aſpect—it has a pedigree and illuſtrating anceſtors—it has its bearings and its enſigns armorial—it has its gallery of portraits, its monumental inſcriptions, its records, evidences, and titles. We procure reverence to our civil inſtitutions on the principle upon which nature teaches us to revere individual men—on account of their age, and on account of thoſe from whom they are deſcended. All your ſophiſters cannot produce any thing better adapted to preſerve a rational and manly freedom, than the courſe that we have purſued, who have choſen our nature rather than our ſpeculations, our breaſts rather than our inventions, for the great conſervatories and magazines of our rights and privileges. Mr. Burke.

Mr. MACKINTOSH.

Vindiciæ Gallicæ.

THE revolution of 1688 is confeſſed to have eſtabliſhed principles by thoſe who lament that it has not reformed inſtitutions. It has ſanctified the theory, if it has not inſured the practice of a free government. It declared, by a memorable precedent, the right of the people of England to revoke abuſed power, to frame the government, and beſtow the crown. There was a time, indeed, when ſome wretched followers of Filmer and Blackwood lifted their heads in oppoſition. But more than half a century had withdrawn them from public contempt, to the amneſty and oblivion which their innoxious ſtupidity had purchaſed.

It was reſerved for the latter end of the eighteenth century, to conſtrue theſe innocent and obvious inferences into libels on the conſtitution and the laws. Dr. Price had aſſerted, that the houſe of Hanover owes the crown of England to the choice of their people; that the revolution has eſtabliſhed our right "to chooſe our own governors, "to caſhier them for miſconduct, and to frame a "government for ourſelves." The firſt propoſition, ſays Mr. Burke, is either falſe or nugatory. If it imports that England is an elective monarchy, "it is an unfounded, dangerous, illegal, and un-"conſtitutional poſition." If it alludes to the election of his majeſty's anceſtors to the throne, it no more

more legalizes the government of England than that of other nations, where the founders of dynaſties have generally founded their claims on ſome ſort of election. The firſt member of this dilemma merits no reply. The people may certainly, as they have done, *chooſe* hereditary rather than elective monarchy. They may *elect* a race inſtead of an individual. Their *right* is in all theſe caſes equally unimpaired. It will be in vain to compare the pretended elections in which a council of barons, or an army of mercenaries, have impoſed uſurpers on enſlaved and benighted kingdoms, with the ſolemn, deliberate, national *choice* of 1688. It is, indeed, often expedient to ſanction theſe deficient titles by ſubſequent acquieſcence. It is not among the projected innovations of France to revive the claims of any of the poſterity of Pharamond and Clovis, nor to arraign the uſurpations of Pepin or Hugh Capet. Public tranquillity thus demands a veil to be drawn over the ſucceſsful crimes, through which kings have ſo often waded to the throne. But wherefore ſhould we not exult, that the ſupreme magiſtracy of England is free from this blot; that, as a *direct* emanation from the ſovereignty of the people, it is as legitimate in its origin as in its adminiſtration? Thus underſtood, the poſition of Dr. Price is neither falſe nor nugatory. It is not nugatory, for it honourably diſtinguiſhes the Engliſh monarchy among the governments of the world; and if it be falſe, the whole hiſtory of our revolution muſt be a legend. The fact was ſhortly, that

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the prince of Orange was elected king of England, in contempt of the claims, not only of the exiled monarch and his ſon, but of the princeſſes Mary and Anne, the undiſputed progeny of James II. The title of William III. was then clearly not *ſucceſſion*; and the houſe of commons ordered Dr. Burnet's tract to be burnt by the hands of the hangman, for maintaining that it was *conqueſt*. There remains only *election*, for theſe three claims to royalty are all that are known among men. It is futile to urge, that the convention deviated only *ſlenderly* from the order of ſucceſſion. The deviation was indeed ſlight, but it deſtroyed the principle, and eſtabliſhed the right to deviate—the point at iſſue. The principle that juſtified the elevation of William III. and the preference of the poſterity of Sophia of Hanover to thoſe of Henrietta of Orleans, would equally, *in point of right*, have vindicated the election of chancellor Jefferies or colonel Kirk. The *choice* was, like every other choice, to be guided by views of policy and prudence; but it was a choice ſtill.

From theſe views aroſe that repugnance between the conduct and the language of the revoluioniſts, of which Mr. Burke has availed himſelf. Their conduct was manly and ſyſtematic—their language was conciliating and equivocal. They kept meaſures with prejudice, which they deemed neceſſary to the order of ſociety. They impoſed on the groſſneſs of the popular underſtanding, by a ſort of compromiſe between the conſtitution and the

the abdicated family. "They drew a politic, "well-wrought veil," to uſe the expreſſions of Mr. Burke, over the glorious ſcene which they had acted. They affected to preſerve a ſemblance of ſucceſſion, to recur for the objects of their election to the poſterity of Charles and James, that reſpect and loyalty might with leſs violence to public ſentiment attach to the new ſovereign. Had a Jacobite been permitted freedom of ſpeech in the parliaments of William III. he might thus have arraigned the act of ſettlement—"Is the language of your "ſtatutes to be at eternal war with truth?—Not "long ago you profaned the forms of devotion by "a thankſgiving, which either means nothing, or "inſinuates a lie. You thanked heaven for the "preſervation of a king and queen on the *throne* "*of their anceſtors*; an expreſſion which either was "ſingly meant of their deſcent, which was frivo- "lous, or inſinuated their hereditary right, which "was falſe.—With the ſame contempt for con- "ſiſtency and truth, we are this day called on to "ſettle the crown of England on a princeſs of Ger- "many, 'becauſe' ſhe is the grand-daughter of "James the Firſt. If that be, as the phraſeology "inſinuates, the *true* and *ſole* reaſon of the choice, "conſiſtency demands that the words after 'ex- "cellent' ſhould be omitted, and in their place be "inſerted 'Victor Amadeus, duke of Savoy, "married to the daughter of the moſt excellent "princeſs Henrietta, late ducheſs of Orleans, "daughter of our late ſovereign lord Charles I. of

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"glorious memory."—Do homage to loyalty in "your actions, or abjure it in your words—avow "the grounds of your conduct, and your manli- "ness will be respected by those who detest your "rebellion." What reply lord Somers, or Mr. Burke, could have devised to this Philippic, I know not, unless they confessed that the authors of the revolution had one language for novices, and another for adepts. Whether this conduct was the fruit of caution and consummate wisdom, or of a narrow, arrogant, and dastardly policy, which regarded the human race as only to be governed by being duped, it is useless to enquire, and might be presumptuous to determine. But it certainly was not to be expected, that any controversy should have arisen by confounding their *principles* with their *pretexts*. With the latter the position of Dr. Price has no connection; from the former it is an infallible inference.

The next doctrine of this obnoxious sermon that provokes the indignation of Mr. Burke is, that the revolution has established "our right to cashier "our governors for misconduct." Here a plain man could have foreseen scarcely any diversity of opinion. To contend that the deposition of a king for the abuse of his powers did not establish a principle in favour of the like deposition, when the like abuse should again occur, is certainly one of the most arduous enterprises that ever the heroism of paradox encountered. He has, however, not neglected

ſted the means of retreat. "No government," Mr. Mackintoſh.
e tells us, "could ſtand a moment, if it could be
' blown down with any thing ſo looſe and indefi-
' nite as opinion of *miſconduct*." One might ſup-
poſe, from the dexterous levity with which the word *miſconduct* is introduced, that the partiſans of democracy had maintained the expediency of depoſing kings for every frivolous and venial fault, of revolting againſt a monarch for the choice of his titled or untitled valets, for removing his footmen, or his lords of the bedchamber. It would have been candid in Mr. Burke not to have diſſembled what he muſt know, that by *miſconduct* was meant that preciſe ſpecies of miſconduct for which James II. was dethroned—A CONSPIRACY AGAINST THE LIBERTY OF HIS COUNTRY.

Nothing can be more weak than to urge the *conſtitutional irreſponſibility* of kings or parliaments. The law can never ſuppoſe them reſponſible, becauſe their reſponſibility ſuppoſes the diſſolution of ſociety, which is the annihilation of law. In the governments which have hitherto exiſted, the power of the magiſtrate is the only article in the ſocial compact. Deſtroy it, and ſociety is diſſolved. A legal proviſion for the reſponſibility of kings would infer, that the authority of laws could coexiſt with their deſtruction. It is becauſe they cannot be legally and conſtitutionally, that they muſt be morally and rationally reſponſible. It is becauſe there are no remedies to be found within the pale of ſociety, that we are to ſeek them in nature,

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ture, and throw out parchment chains in the face of our oppreſſors. No man can deduce a precedent of *law* from the revolution, for law cannot exiſt in the diſſolution of government. A precedent of reaſon and juſtice only can be eſtabliſhed on it; and perhaps the friends of freedom merit the miſrepreſentation with which they have been oppoſed, for truſting their cauſe to ſuch frail and frivolous auxiliaries, and for ſeeking in the profligate practices of men what is to be found in the ſacred rights of nature. The ſyſtem of lawyers is indeed widely different. They can only appeal to uſage, precedents, authorities, and ſtatutes. They diſplay their elaborate frivolity, their perfidious friendſhip, in diſgracing freedom with the fantaſtic honour of a pedigree. A pleader at the Old Bailey, who would attempt to aggravate the guilt of a robber, or a murderer, by proving that king John, or king Alfred, puniſhed robbery and murder, would only provoke deriſion. A man who ſhould pretend that the reaſon why we had right to property is, becauſe our anceſtors enjoyed that right 400 years ago, would be juſtly contemned. Yet ſo little is plain ſenſe heard in the myſterious nonſenſe which is the cloak of political fraud, that the Cokes, the Blackſtones, and Burkes, ſpeak as if our right to freedom depended on its poſſeſſion by our anceſtors. In the common caſes of morality we would bluſh at ſuch an abſurdity. No man would juſtify murder by its antiquity, or ſtigmatize benevolence for being new. The genealogiſt who

ſhould emblazon the one as coeval with Cain, or ſtigmatize the other as upſtart with Howard, would be diſclaimed even by the moſt frantic partiſan of ariſtocracy. This Gothic transfer of *genealogy* to truth and juſtice is peculiar to politics. The exiſtence of robbery in one age makes its vindication in the next; and the champions of freedom have abandoned the ſtrong hold of right for precedent, which, when the moſt favourable, is, as might be expected from the ages which furniſh it, feeble, fluctuating, partial, and equivocal. It is not becauſe we have been free, but becauſe we have a right to be free, that we ought to demand freedom. Juſtice and liberty have neither birth nor race, youth nor age. It would be the ſame abſurdity to aſſert, that we have a right to freedom becauſe the Engliſhmen of Alfred's reign were free, as that three and three are ſix, *becauſe* they were ſo in the camp of Genghis Khan. Let us hear no more of this ignoble and ignominious pedigree of freedom. Let us hear no more of her Saxon, Daniſh, or Norman anceſtors. Let the immortal daughter of reaſon, of juſtice, and of God, be no longer confounded with the ſpurious abortions that have uſurped her name. Mr. Mackintoſh.

But, ſays Mr. Burke, we do not contend that right as created by antiquarian reſearch. We are far from contending that poſſeſſion legitimates tyranny, or that fact ought to be confounded with right. But (to ſtrip Mr. Burke's eulogies on Engliſh wiſdom of their declamatory appendage) the

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the impreſſion of antiquity endears and ennobles freedom, and fortifies it by rendering it auguſt and venerable in the popular mind. The illuſion is uſeful. The expediency of *political impoſture* is the whole force of the argument; a principle odious and ſuſpected to the friends of freedom, as the grand bulwark of ſecular and ſpiritual deſpotiſm in the world. To pronounce that men are only to be governed by deluſion is to libel the human underſtanding, and to conſecrate the frauds that have elevated deſpots and muftis, pontiffs and ſultans, on the ruin of degraded and oppreſſed humanity. But the doctrine is as falſe as it is odious. Primary political truths are few and ſimple. It is eaſy to make them underſtood, and to transfer to government the ſame enlightened ſelf-intereſt that preſides in the other concerns of life. It may be made to be reſpected, not becauſe it is ancient, or becauſe it is ſacred—not becauſe it has been eſtabliſhed by barons, or applauded by prieſts—but becauſe it is uſeful. Men may eaſily be inſtructed to maintain rights which it is their *intereſt* to maintain, and duties which it is their *intereſt* to perform. This is the only principle of authority that does not violate juſtice and inſult humanity. It is alſo the only one which can poſſeſs ſtability. The various faſhions of prejudice and factitious ſentiment which have been the baſis of governments, are ſhort-lived things. The illuſions of chivalry, and the illuſions of ſuperſtition, which give ſplendour or ſanctity to government, are in their turn ſucceeded

ceded by new modes of opinion and new ſyſtems of manners. Reaſon alone, and natural ſentiment, are the denizens of every nation, and the cotemporaries of every age. A conviction of the utility of government affords the only ſtable and honourable ſecurity for obedience. Mr. Mackintoſh.

Our anceſtors at the revolution, it is true, were far from feeling the full force of theſe ſublime truths; nor was the public mind of Europe, in the ſeventeenth century, ſufficiently enlightened and matured for the grand enterpriſes of legiſlation. The ſcience which teaches the rights of man, the eloquence that kindles the ſpirit of freedom, had for ages been buried with the other monuments of the wiſdom and relics of the genius of antiquity. But the revival of letters firſt unlocked only to a few the ſacred fountain. The neceſſary labours of criticiſm and lexicography occupied the earlier ſcholars, and ſome time elapſed before the ſpirit of antiquity was transfuſed into its admirers. The firſt man of that period who united elegant learning to original and maſculine thought was Buchanan *, and he too ſeems to have been the firſt

* It is not a little remarkable, that Buchanan puts into the mouth of his antagoniſt, MAITLAND, the ſame alarms for the downfall of literature that have been excited in the mind of Mr. Burke by the French revolution. We can ſmile at ſuch alarms on a retroſpect of the literary hiſtory of Europe for the ſeventeenth of eighteen centuries; and ſhould our controverſies reach the enlightened ſcholars of a future age, they will probably, with the ſame reaſon, ſmile at the alarms of Mr. Burke.

ſcholar

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ſcholar who caught from the ancients the noble flame of republican enthuſiaſm. This praiſe is merited by his neglected, though incomparable tract, *De Jure Regni*, in which the principles of popular politics, and the maxims of a free government, are delivered with a preciſion, and enforced with an energy, which no former age had equalled, and no ſucceeding has ſurpaſſed. But the ſubſequent progreſs of the human mind was ſlow. The profound views of Harrington were derided as the ravings of a viſionary; and who can wonder, that the frantic loyalty which depreſſed Paradiſe Loſt, ſhould involve in ignominy the eloquent apology of Milton * for the people of England againſt a feeble and venal pedant? Sidney, "by ancient "learning to the enlightened love of ancient free-"dom warmed," taught the principles which he had ſealed with his blood; and Locke, whoſe praiſe

* "Peſſime enim vel naturâ vel legibus comparatum foret "ſi arguta ſervitus, libertas muta eſſet; & haberent tyranni "qui pro ſe dicerent, non haberent qui tyrannos debellare "poſſunt: miſerum eſſet ſi hæc ipſa ratio quo utimur Dei "munere non multo plura ad homines conſervandos, libe-"randos, et *quantum natura fert* INTER SE ÆQUANDOS, quam "ad opprimendos et ſub UNIUS imperio malè perdendos, argu-"menta ſuppeditaret. CAUSAM itaque PULCHERRIMAM hâc "certè fiduciâ læti aggrediamur; illinc fraudem, fallaciam, "ignorantiam atque barbariem; hinc lucem, veritatem, ratio-"nem, et ſeculorum omnium ſtudia atque doctrinam nobiſ-"cum ſtare."

Joannis Miltoni Defenſio Populi Anglicani, apud Opera, tom. ii. p. 238. ed. Lond. 1738.

is leſs that of being bold and original, than of being temperate, ſound, lucid, and methodical, deſerves the immortal honour of having ſyſtematiſed and rendered popular the doctrines of civil and religious liberty. In Ireland, Molyneux, the friend of Locke, produced the "*Caſe of Ireland,*" a production of which it is ſufficient praiſe to ſay, that it was ordered to be burnt by a deſpotic parliament; and in Scotland, Andrew Fletcher, the ſcholar of Algernon Sidney, maintained the cauſe of his deſerted country with the force of ancient eloquence, and the dignity of ancient virtue. Mr. Mackintoſh.

Such is a rapid enumeration of thoſe who had before, or near the revolution, contributed to the diffuſion of political light. But their number was ſmall, their writings were unpopular, their dogmas were proſcribed. The habits of reading had only then begun to reach the great body of mankind, whom the arrogance of rank and letters has ignominiouſly confounded under the denomination of the vulgar. Many cauſes too contributed to form a powerful tory intereſt in England. The remnant of that Gothic ſentiment, the extinction of which Mr. Burke ſo pathetically deplores, which engrafted loyalty on a point of honour in military attachment, formed one part, which may be called the *toryiſm of chivalry*. Doctrines of a divine right in kings, which are now too much forgotten even for ſucceſsful ridicule, were then ſupported and revered.—This may be called the *toryiſm of ſuperſtition*. And a third ſpecies aroſe from the great transfer of property

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property into an upſtart commercial intereſt, which drove the ancient gentry of England, for protection againſt its inroads, behind the throne. This may be called the *toryiſm of landed ariſtocracy* *. Religious prejudices, outrages on natural ſentiments, which any artificial ſyſtem is too feeble to withſtand, and the ſtream of events which bore them along to extremities which no man could have foreſeen, involved the tories in the revolution, and made it a truly national act.

But their repugnance to every ſhadow of innovation was invincible. Something the whigs may be ſuppoſed to have conceded for the ſake of conciliation; but few even of their leaders, it is probable, had grand and liberal views. What indeed could have been expected from the delegates of a nation, in which, a few years before, the univerſity of Oxford, repreſenting the national learning and wiſdom, had, in a ſolemn decree, offered their congratulations to ſir George Mackenzie (infamous for the abuſe of brilliancy and accompliſhment to

* Principle is reſpectable, even in its miſtakes, and theſe tories of the laſt century were a party of principle. There were accordingly among them men of the moſt elevated and untainted honour. Who will refuſe that praiſe to Clarendon and Southampton, Ormond and Montroſe?—But toryiſm, as a party of principle, cannot now exiſt in England; for the principles on which we have ſeen it to be founded, exiſt no more. The Gothic ſentiment is effaced, the ſuperſtition is exploded, and the landed and commercial intereſts are completely intermixed. The toryiſm of the preſent day can only ariſe from an abject ſpirit or a corrupt heart.

the

the moſt ſervile and profligate purpoſes) as having confuted the abominable doctrines of Buchanan and Milton, and demonſtrated the divine rights of kings to tyranniſe and oppreſs mankind! It muſt be evident, that a people which could thus, by the organ of its moſt learned body, proſtrate its reaſon before ſuch execrable abſurdities, was too *young* for legiſlation. Hence the abſurd debates in the convention about the palliative phraſes of abdicate, deſert, &c. which were better cut ſhort by the parliament of Scotland, when they uſed the correct and manly expreſſion, that James II. had FORFEITED THE THRONE. Hence we find the revolutioniſts perpetually belying their political conduct by their legal phraſeology. Hence their impotent and illuſive reforms. Hence their neglect of foreſight, in not providing bulwarks againſt the natural tendency of a diſputed ſucceſſion to accelerate moſt rapidly the progreſs of royal influence, by rendering it neceſſary to ſtrengthen ſo much the poſſeſſor of the crown againſt the pretender to it, and thus partially ſacrificing freedom to the very means of preſerving it. Mr. Mackintoſh.

But to elucidate the queſtion more fully, "let "us liſten to the genuine oracles of revolution "policy;" not to the equivocal and palliative language of their ſtatutes, but to the unreſtrained effuſion of ſentiment in that memorable conference between the lords and commons, on Tueſday the 5th of February 1688, which terminated in eſtabliſhing the preſent government of England. The

tories yielding to the torrent, in the *perſonal* excluſion of James II. reſolved to embarraſs the whigs, by urging that the declaration of the abdication and vacancy of the throne was a change of the government, *pro hac vice*, into an elective monarchy. The inference is irreſiſtible; and it muſt be confeſſed, that though the whigs were the better citizens, the tories were the more correct logicians. It is in this conference that we ſee the whig leaders compelled to diſcloſe ſo much of thoſe principles, which tenderneſs for prejudice, and reverence for uſage, had influenced them to diſſemble. It is here that we ſhall diſcover ſparks kindled in the colliſion of debate, ſufficient to enlighten the "politic gloom" in which they had enveloped their meaſures.

If there be any names venerable among the conſtitutional lawyers of England, they are thoſe of lord Somers and Mr. ſerjeant Maynard. They were both conſpicuous managers for the commons in this conference, and the language of both will more than ſanctify the inferences of Dr. Price, and the creed of the revolution ſociety. My lord Nottingham, who conducted the conference on the part of the tories, in a manner moſt honourable to his dexterity and acuteneſs, demanded of the managers for the commons, "Whether they mean "the throne to be ſo *vacant* as to null the ſucceſſion "in the hereditary line, and ſo all the heirs to be "cut off? which we (the lords) ſay, will make "the crown *elective*." Maynard, whoſe argument always

always breathed much of the old republican ſpirit, replied with force and plainneſs, " It is not that " the commons do ſay the crown of England is " ALWAYS AND PERPETUALLY ELECTIVE, but " it is neceſſary there be a ſupply where there is a " defect." It is impoſſible to miſtake the import of theſe words. Nothing can be more evident, than that by the mode of *denying* that the crown WAS ALWAYS AND PERPETUALLY ELECTIVE, he confeſſes that it was for the then exigency *elective*. In purſuance of his argument, he uſes a compariſon ſtrongly illuſtrative of his belief in dogmas anathematiſed by Mr. Burke. " If two of " us make a mutual agreement to help and defend " each other from any one that ſhould aſſault us " in a journey, and he that is with me turns upon " me, and breaks my head, he hath undoubtedly " *abdicated* my aſſiſtance, and revoked." Sentiments of the kingly office, more irreverent and correct, are not to be found in the moſt prophane evangeliſt that diſgraces the democratic canon. It is not unworthy of incidental remark, that there were then perſons who felt as great horror at novelties, which have ſince been univerſally received, as Mr. Burke now feels at the " rights of men." The earl of Clarendon, in his ſtrictures on the ſpeech of Mr. Somers, ſaid, " I may ſay thus " much in general, that this breaking the original " contract is a language that has not long been " uſed in this place, nor known in any of our " law-books or public records. It is ſprung up

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" but as taken from ſome late authors, and thoſe " none of the beſt received!"—This language one might have ſuppoſed to be that of Mr. Burke. It is not however his; it is that of a Jacobite lord of the ſeventeenth century!

The tories continued to perplex and intimidate the whigs with the idea of *election*.—Maynard again replies, " The word *elective* is none of the com- " mons word. The proviſion muſt be made; " and if it be, that will not render the kingdom " *perpetually* ELECTIVE." If it were neceſſary to multiply citations to prove that the revolution was to all intents and purpoſes an *election*, we might hear lord Nottingham, whoſe diſtinction is peculiarly applicable to the caſe before us. " If," ſays he, " you do once make it *elective*, I do not " ſay you are always *bound* to go to *election*; but " it is enough to make it ſo, if by that precedent " there be a breach in the hereditary ſucceſſion." The reaſoning of ſir Robert Howard, another of the managers for the commons, is bold and explicit. " My lords, you will do well to conſider; " have you not yourſelves limited the ſucceſſion, " and cut off ſome that might have a line of right? " Have you not concurred with us in our vote, " that it is inconſiſtent with our religion and our " laws to have a papiſt to reign over us? *Muſt* " we not then come to an ELECTION, if the next " heir be a papiſt?" The preciſe fact which followed.—But what tends the moſt ſtrongly to illuſtrate that contradiction between the *exoteric* and

eſoteric

ſoteric doctrine, the legal language and the real principles, which forms the baſis of this whole argument, is the avowal of ſir Richard Temple, another of the managers for the commons—"We "are in as natural a capacity as any of our pre- "deceſſors were to provide for a remedy in ſuch "exigencies as this." Hence it followed infallibly, that their poſterity to all generations *would be in the ſame "natural capacity"* to provide remedy for exigencies. But let us hear their ſtatutes. There "the lords ſpiritual and temporal, and "commons, do, in the name of all the people of "England, moſt humbly *and faithfully ſubmit "themſelves, their heirs and poſterity for ever,"* &c. Here is the triumph of Mr. Burke—a ſolemn abdication and renunciation of right to change the monarch or the conſtitution! His triumph is increaſed by this ſtatutory abolition of the rights of men being copied from a ſimilar profeſſion of eternal allegiance made by the parliament of Elizabeth!—It is difficult to conceive any thing more prepoſterous. In the very act of exerciſing a right which their anceſtors had abdicated in their name, they abdicate the ſame right in the name of their poſterity. To increaſe the ridicule of this legiſlative farce, they impoſe an *irrevocable* law on their poſterity in the preciſe words of that law irrevocably impoſed on them by their anceſtors, at the moment when they are violating it. The parliament of Elizabeth ſubmit themſelves and their poſterity for ever. The convention of

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Mr. Mackintosh. 1688 ſpurn the ſubmiſſion for themſelves, but re-enact it for their poſterity. And after ſuch a glaring inconſiſtency, this language of ſtatutory adulation is ſeriouſly and triumphantly brought forward as " the *unerring oracles* of revolution po-" licy."

Thus evidently has it appeared, from the conduct and language of the leaders of the revolution, that it was a *depoſition* and an *election*; and that all language of a contrary tendency, which is to be found in their acts, aroſe from the remnant of their own prejudice, or from conceſſion to the prejudice of others, or from the ſuperficial and preſumptuous policy of impoſing auguſt illuſions on mankind. The ſame ſpirit regulated, the ſame prejudices impeded their progreſs in every department. " They acted," ſays Mr. Burke, " by " their ancient ſtates." They did not. Were the peers, and the members of a diſſolved houſe of commons, with the lord mayor of London, &c. convoked by a ſummons from the prince of Orange, the parliament of England?—No. They were neither lawfully elected nor lawfully aſſembled. But they affected a ſemblance of a parliament in their convention, and a ſemblance of hereditary right in their election. The ſubſequent act of parliament is nugatory; for, as that legiſlature derived its whole exiſtence and authority from the convention, it could not return more than it had received, and could not therefore *legalize* the acts of the body which created it. If they were not previouſly

previouſly legal, the parliament itſelf was without *legal* authority, and could, therefore, give no legal ſanction. It is therefore without any view to a prior, or alluſion to a ſubſequent revolution, that Dr. Price and the revolution ſociety of London think themſelves entitled to conclude, that abuſed power is revocable, and corrupt governments ought to be reformed. Of the firſt of theſe revolutions, that in 1648, they may, perhaps, entertain different ſentiments from Mr. Burke. They will confeſs that it was debaſed by the mixture of fanaticiſm; they may lament that hiſtory has ſo often proſtituted her ungenerous ſuffrage to ſucceſs, and that the commonwealth was obſcured and overwhelmed by the ſplendid profligacy of military uſurpation. But they cannot arrogate the praiſe of having been the firſt to maintain, nor can Mr. Burke ſupport his claim to have been the firſt who reprobated, *ſince that period*, the audacious hereſy of popular politics. The prototype of Mr. Burke is not a leſs notorious perſonage than the predeceſſor he has aſſigned to Dr. Price. Hiſtory has preſerved fewer memorials of Hugh Peters than of judge Jeffries. It was the fortune of that luminary and model of lawyers to ſit in judgment on one of the fanatical apoſtles of democracy. In the preſent ignominious obſcurity of the ſect in England, it may be neceſſary to mention that the name of this criminal was Algernon Sidney. He had, it is true, in his time acquired ſome renown: he was celebrated as the hero, and deplored as the

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Mr. Mackintosh. martyr, of freedom. But the learned magiſtrate was above this "epidemical fanaticiſm." He inveighed againſt his peſtilential dogmas in a ſpirit that deprives Mr. Burke's invective againſt Dr. Price of all pretenſions to originality. An unvarniſhed ſtatement will ſo well evince the harmony both of the culprits and the accuſers, that remark is ſuperfluous.

ALGERNON SIDNEY.	DOCTOR PRICE.
(Indictment againſt him.)	*His Sermon.*
"And that the aforeſaid Algernon Sidney did make, compoſe and write, or cauſe to be made, compoſed and written, a certain falſe, ſcandalous and ſeditious libel, in which is contained the following Engliſh words——— "*The power originally in the "people is delegated to the par-"liament*—He (meaning the "king) is ſubject to the laws "of God, as he is a man, "and to the people that made "him a king, inaſmuch as "he is a king." And in another place of the ſaid libel he ſays, "We may therefore "take away kings without "breaking any yoke, or that "is made a yoke, which "ought not to be one, and "the injury therefore is "making or impoſing, and "there can be none in break-"ing it," &c.	"We have a right to chooſe our own governors, to caſhier them for miſconduct, and to frame a government for ourſelves."

Thus we ſee the harmony of the culprits. The one is only a perſpicuous and preciſe abridgment of the other. The harmony of the judges will not

not be found leſs remarkable. Mr. Burke, "when "he talks as if he had made a diſcovery, only "follows a precedent." Mr. Mackintoſh.

JUDGE JEFFRIES' *Charge to the Jury.*

"The king, it ſays, is reſponſible to them, and he is only their truſtee. He has miſgoverned, and he is to give it up, that they may be all kings themſelves. Gentlemen, I muſt tell you, I think I ought more than ordinarily to preſs this on you, becauſe I know the miſfortunes of the late unhappy rebellion; and the bringing of the late bleſſed king to the ſcaffold was firſt begun by ſuch kind of principles *."

MR. BURKE.

"The revolution ſociety chooſes to aſſert, that a king is no more than the firſt ſervant of the public, created by it, and reſponſible to it."—"The ſecond claim of the revolution ſociety is caſhiering the monarch for miſconduct," p. 37. "The revolution ſociety, the heroic band of fabricators of governments, electors of ſovereigns," p. 98. "This ſermon is in a ſtrain which has never been heard in this kingdom, in any of the pulpits which are tolerated or encouraged in it, ſince 1648." P. 13.

Thus does Mr. Burke chant his political ſong in exact uniſon with the ſtrains of the venerable magiſtrate; they indict the ſame crimes; they impute the ſame motives; they dread the ſame conſequences.

The revolution ſociety felt, from the great event which they profeſſedly commemorated, new motives to exult in the emancipation of France. The revolution of 1688 deſerves more the attention of a philoſopher, from its indirect influence on the pro-

* Trial of Algernon Sidney for high treaſon. State Trials, vol. iii. p. 710 & ſeq.

greſs

Mr. Mackintosh.

greſs of human opinion, than from its immediate effects on the government of England. In the firſt view, it is perhaps difficult to eſtimate the magnitude of its effects. It ſanctified, as we have ſeen, the general principles of freedom. It gave the firſt example in civilized modern Europe of a government which reconciled a ſemblance of *political*, and a large portion of *civil* liberty with ſtability and peace. But above all, Europe owes to it the ineſtimable bleſſing of an aſylum for freedom of thought. Hence England became the preceptreſs of the world in philoſophy and freedom. Hence aroſe the ſchool of ſages, who unſhackled and emancipated the human mind; from among whom iſſued the Lockes, the Rouſſeaus, the Turgots, and the Franklins, the immortal band of preceptors and benefactors of mankind. They ſilently operated a grand *moral* revolution, which was in due time to meliorate the ſocial order. They had tyrants to dethrone more formidable than kings, and from whom kings held their power. They wreſted the ſceptre from ſuperſtition, and dragged prejudice in triumph. They deſtroyed the arſenal whence deſpotiſm had borrowed her thunders and her chains. Theſe grand enterpriſes of philoſophic heroiſm muſt have preceded the reforms of civil government. The Coloſſus of tyranny was undermined, and a pebble overthrew it.—From this progreſs of opinion aroſe the American revolution, and from this, moſt unqueſtionably the deliverey of France. Nothing, therefore, could be

more natural than that thoſe who, without blind bigotry for the forms, had a rational reverence for the principles of our anceſtors, ſhould rejoice in a revolution, where theſe principles, which England had ſo long ſuffered to repoſe in impotent abſtraction, were called forth into energy, expanded, invigorated, and matured. If, as we have preſumed to ſuppoſe, the revolution of 1688 may have had no ſmall ſhare in accelerating that progreſs of light which has diſſolved the prejudices that ſupported deſpotiſm, they may be permitted, beſides their exultation as friends of humanity, to indulge ſome pride as Engliſhmen. Mr. Mackintoſh.

Dr.

Dr. PRIESTLEY.

Letters to the Right Hon. Edmund Burke.

IT is impoſſible to conſider the late revolution in France, without having in our eye that which took place in England in 1688. This has had ſo much of the cordial approbation of all claſſes of people here, at leaſt all thoſe who are denominated *whigs*, that you found yourſelf under the neceſſity of approving of it. But you wiſh to diſtinguiſh between the principles on which the great actors in that memorable event proceeded, and thoſe of the national aſſembly in France. The promoters of the Engliſh revolution, you would have us underſtand, were not guided by any view to the *natural* (or, as you affect to call them, the *chimerical*) *rights of men*, but were influenced by a regard to rights ſanctioned by *ancient poſſeſſion*; and conſequently, that their example furniſhes no authority for any people to chooſe their own governors, or to diſmiſs them for miſconduct.

You appeal to *lord Somers* for the principles of the Engliſh revolution. Let his writings then explain his ſentiments on the nature of government. Now, the very title page of a tract generally aſcribed to him, entitled, *The judgment of whole kingdoms and nations concerning the rights, power, and prerogative of kings, and the rights, privileges, and properties of the people*, aſſerts, "that all magiſtrates

" and governors proceed from the people." This he proves at large in the courſe of the work, in which he ſhews, as an inference from this great principle, that the people, when oppreſſed, are juſtifiable in relieving themſelves by a change of their governors, or of their government; exploding, in a variety of lights, the ſlaviſh doctrine, to uſe his own terms, of *paſſive obedience and loyalty*. Dr. Prieſtley.

One of the moſt extraordinary of your aſſertions, with reſpect to the revolution in England, is the following: " So far," you ſay, " is it from being " true, that we acquired a right by the revolution " to elect our kings, that, if we had poſſeſſed it be- " fore, the Engliſh nation did at that time moſt " ſolemnly renounce and abdicate it for themſelves, " and for all their poſterity for ever." But could they ſeriouſly mean to bind their poſterity from ever doing again what they themſelves then did? Did they not, by changing the natural ſucceſſion of the kings of this realm, actually *exerciſe* the right of chooſing kings, declaring what deſcription of perſons ſhould from that time ſucceed to the crown? And what any one parliament did, a ſucceeding one might, no doubt, undo.

But that no ſuch thing as a renunciation of a right to do any thing of this kind, was really meant by the legiſlature of that age, is evident from two acts of parliament, viz. of the fourth and ſixth of queen Anne, the former of them made before the union; and the latter in the ſame words after it reſpecting the

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the whole of Great Britain. This was in the time of lord Somers, and no doubt with his concurrence; and from them it appears, that your aſſertion is even nothing leſs than *high treaſon*. The words of the acts are as follows: "If any perſon ſhall, by "writing or printing, maintain and affirm, that the "kings or queens of this realm, with and by the "authority of parliament, are not able to make "laws and ſtatutes of ſufficient validity to limit "the crown, and the deſcent, inheritance, and go-"vernment thereof, every ſuch perſon ſhall be "guilty of high treaſon."

Far am I from wiſhing to bring you into any ſerious inconvenience, by repreſenting you as having offended againſt the laws of your country; but I wiſh it may ſerve as a hint to you to pay more attention to the great principles of our conſtitution, as well as to the univerſal principles of government and the *rights of men*, offenſive as the term may be to you, for the future.

You ſay, "The gentlemen of the *ſociety for re-*"*volutions*" (as you contemptuouſly call it) "ſee "nothing of that in 1688, but the deviation from "the conſtitution; and they take the deviation "from the principle for the principle." Let us then conſider the ſimple *fact*, that we may diſcover the true *principle* of the proceeding, and examine the juſtice of your complaint. A king had abuſed his truſt, and in the conſtruction of the remaining governing powers of the country, as well as of the people,

people, had virtually *abdicated the government*. According to the eſtabliſhed rule of ſucceſſion, his ſon ſhould have ſucceeded him; but they apprehended the ſame evils from the ſon which they had experienced from the father, and likewiſe from all princes of the ſame deſcription with the father, that is, all who ſhould profeſs the Roman catholic religion. They therefore made a law to exclude all ſuch princes, and fixed the ſucceſſion in the neareſt proteſtant line. But, in conjunction with the firſt of this line, they choſe a perſon entirely foreign to it, who had no legal pretenſions to the crown at all, being only the huſband of queen Mary, as prince George of Denmark was of queen Anne; and on the failure of iſſue by his wife Mary, and the princeſs Ann, they gave the crown to the heirs of the body of the prince of Orange. See Rapin's Hiſtory, vol. ii. p. 795. Dr. Prieſtley.

Here then was a *choice* made, both of a particular king *pro tempore*, and alſo of *a new line of ſucceſſion* for future kings. Certainly, therefore, if the conduct of our anceſtors in that period be any precedent for future proceedings, it authorizes the people of this country, not only to make any change in the rule of ſucceſſion to the crown, but to make any perſon king, and in fact to do whatever they ſhall think neceſſary for the redreſs of their grievances. This was unqueſtionably the proper *reaſon*, *motive*, *principle*, or *rule* of their conduct; and to act upon it in any future time, cannot with propriety

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priety be called taking "the deviation from the "principle for the principle." To do any thing that ſhall be deemed neceſſary to remove any preſent evils, and to prevent the recurrence of them would be doing no more than they would have done in our circumſtances.

Conſidering the reverence that is always paid to whatever is *ancient*, it is certainly wiſe in any nation to preſerve old inſtitutions as long as they are tolerable, becauſe the people will bear with them better than with new ones. This principle, no doubt influenced our anceſtors at the revolution and at other times. They contented themſelves with removing the preſſing grievance, and kept as near to the ancient ſyſtem as they could. At the revolution, there was no occaſion for any thing more; at leaſt the country would not bear any thing more than a deviation from the line of ſucceſſion to the crown, leaving the popiſh, and adopting the proteſtant line. But if more had been wanted, they would certainly have done more.

You call the revolution "an act of neceſſity." But what was it that made it neceſſary? On what *political principle* was the neceſſity founded? Was it not deemed neceſſary, becauſe the people apprehended that their liberties, and conſequently their happineſs, were endangered by the meaſures of the king? and therefore, though, as you juſtly ſay, "a "revolution is the laſt reſource of the thinking and "the good," it was what they found themſelves driven

driven to. It was the leſs of two evils which they had in proſpect; and what they did, they thought to be neceſſary for the removal and prevention of the evil. And on the ſame *principle* that they changed the order of ſucceſſion, they would have changed the whole frame of the government. Had they apprehended *government by kings* in general to be as great a grievance as that by *popiſh kings*, they would have aboliſhed kingly government altogether, and this country would now have been a republic. Dr. Priſtley

Whenever circumſtances have been favourable to greater changes, wiſe nations have not failed to adopt them. When America was driven, as you will allow (for at that time you were very active in the buſineſs, and many a time have I, with ſingular ſatisfaction, heard you plead the cauſe of American liberty), by the oppreſſion of this country, to break entirely from it; the Americans, ſenſible of more evils attending their former government than our anceſtors at the revolution, ventured to do a great deal more, and ſet a glorious example to France and to the world. They formed a completely new government on the principles of *equal liberty* and the *rights of men*, "without nobles," as Dr. Price expreſſively and happily ſaid, "without "biſhops, and without a king;" which, indeed, the Dutch, after their ſeparation from the Spaniſh monarchy, did in a great meaſure before them. If arbitrary princes tremble at theſe great *examples* (at

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the very idea of which you yourſelf, as if you were a part of royalty, and appertaining to it, tremble alſo), it is time that they who have ſo long made others tremble, ſhould in their turn tremble themſelves. But let the *people* rejoice. It will either make their princes keep within bounds, or encourage them to hope that the time of their deliverance is at hand.

That all perſons have not the ſame dread of revolutions which has ſeized on you, and that the genuine principles of the revolution are ſtill preſerved and taught in this country, will appear from the following extracts from *Mr. Paley's Principles of moral and political Philoſophy*, with which I ſhall cloſe this letter.

" *Government may be too ſecure.* The greateſt " tyrants have been thoſe whoſe titles were the " moſt unqueſtioned. Whenever, therefore, the " opinion of right becomes too predominant and " ſuperſtitious, it is abated by *breaking the cuſtom.* " Thus the revolution broke the *cuſtom of ſucceſſion*, " and thereby moderated, both in the prince and " people, thoſe lofty notions of hereditary right, " which in the one were become a continual " temptation to tyranny, and diſpoſed the other to " invite ſervitude by undue compliances and dan- " gerous conceſſions." P. 411, quarto edition.

" The true reaſon why mankind hold in deteſta- " tion the memory of thoſe who have ſold their " liberty to a tyrant is, that, together with their " own,

"own, they ſold commonly, or endangered, the "liberty of others, which certainly they had no "right to diſpoſe of." P. 77. Dr. Prieſtley.

"No uſage, law, or authority whatever, is ſo "binding, that it need or ought to be continued, "when it may be changed with advantage to the "community. The family of the prince, the or- "der of ſucceſſion, the prerogative of the crown, "the form and parts of the legiſlature, together "with the reſpective powers, office, duration, and "mutual dependency of the ſeveral parts, are all "only ſo many *laws*, mutable like other laws, "whenever expediency requires, either by the or- "dinary act of the legiſlature, or, if the occaſion "deſerve it, by the interpoſition of the people. "Theſe points are wont to be approached with a "kind of awe; they are repreſented to the mind "as principles of the conſtitution ſettled by our "anceſtors, and being ſettled to be no more com- "mitted to innovation or debate, as foundations "never to be ſtirred; as the terms and conditions "of the ſocial compact, to which every citizen of "the ſtate has engaged his fidelity, by virtue of a "promiſe which he cannot now recal. Such rea- "ſons have no place in our ſyſtem: to us, if "there be any good reaſon for treating theſe with "more deference and reſpect than other laws, it "is either the advantage of the preſent conſtitu- "tion of government (which reaſon muſt be of "different force in different countries), or, be-

Dr. Prieſtley. "cauſe in all countries it is of importance, that the "form and uſage of governing be acknowledged "and underſtood, as well by the governors as "the governed; and becauſe, the ſeldomer it is "changed, the more it will be reſpected by both "ſides." P. 426.

Mr.

MR. CAPEL LOFFT.

Remarks on the Lett. of Mr. Edmund Burke.

IN our ENGLISH REVOLUTION, I ſee nothing to induce the opinion, when facts are attentively conſidered, of any incompetence in the people to alter the form of the conſtitution, in any extent which they ſhould find requiſite. Dr. PRICE, a name endeared to human ſociety by the moſt diſintereſted, perſevering, and extenſive ſervices, and whoſe death will be regretted by greater multitudes than the eloquence of aught but virtue can ever reach, conſiders it as a ſolemn aſſertion carried into practice of the *right of the people to chooſe their own governors; to caſhier them for miſconduct; and to form a government for themſelves.*—And in the name of the PEOPLE of ENGLAND, Mr. BURKE very explicitly and warmly proteſts againſt the claim, and denies it to have any foundation in the facts and principles of that event; reprobating the idea as innovating, and certain to be reſiſted by the people, with the ſacrifice of their lives and fortunes, if ever it ſhould be practically aſſerted. But as it cannot be practically aſſerted at any future period, but by the concurrence of the people, there muſt be ſome miſtake in ſuppoſing that the people will ſacrifice themſelves to prevent what they ſhall have determined to effect.

The queſtion, in the mean time, whether theſe three great principles *are* practically aſſerted by the

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revolution, muſt from the nature of it be a ſimple queſtion of fact, the ſolution of which cannot be difficult or obſcure.

On the *ſecond* of theſe rights, which was firſt in the execution (for *William* was not choſen till *James* had been legiſlatively *pronounced* no longer king), the only objection poſſible to be offered to the proof reſulting from the plain language of the facts amounts to this, that *miſconduct* is a word not ſufficiently ſtrong for the occaſion. Mr. Burke gives no other word; and he repeats the inſtances of miſgovernment for which the legiſlature, in the name and in the behalf of the people, pronounced the government abdicated, and the throne vacant: they are inſtances of the higheſt miſconduct; and the term is proper, becauſe it does not miſlead, by appearing to confine the mind to the degree and particular inſtances of delinquency, but gives, juſtly and with preciſion, the general ground. What degree and kind of miſconduct incapacitates for that meaſure of public truſt which is annexed to the exerciſe of the kingly office, THE PEOPLE muſt determine. And as the juſtneſs of Mr. Burke's obſervation, that the ceremony of caſhiering kings is no light or eaſy one, will admit of no diſpute, it can be as little doubted, that the people will not reſort to it as a capricious amuſement; but as a moſt ſerious and laſt remedy in caſes of general urgency.

But to ſay that " *the line where obedience ought to end, and reſiſtance muſt begin, is faint, obſcure, and not*

not eaſily definable," is to convert a queſtion of common ſenſe and immediate public feeling, into a caſuiſtical nicety; either uſeleſs when applied to ſuch ſubjects, or pernicious: nor is this very conſiſtent with the epithet of "*ſuperlative,*" characterizing this line; for ſuperlatives muſt make a determinate, ſtrong, and vivid impreſſion. And to ſay that it is "*a queſtion of ſtate, not made for "common occaſions, nor to be agitated by common "minds,*" is to aſſert in the former clauſe of the ſentence what was too clear to require ſtating, and which ſeems only to have been introduced for the purpoſe of familiarizing the doctrine in the cloſe; a doctrine ſo alarmingly paradoxical, that it did indeed require preparation: it was neceſſary the mind ſhould ſlide over it by aid of the ſmooth and inſenſible declivity offered it in the preceding propoſition. Mr. Capel Lofft.

The right to the *choice* of governors, as by the revolution aſſerted, is combated on the ſuggeſtion that it is "*againſt all principles of genuine juriſpru-"dence to draw a principle from a law made in a "ſpecial caſe, and regarding an individual perſon.*" And if it regards him merely as an individual, this will evidently be true. But the principles of that law which pronounced the throne abdicated, and the government vacant, and which filled that vacancy by the adoption of a foreign prince, were not limited to the names and perſons of *James* and *William*. Theſe we may now uſe as the *Caius* and *Titius* of the *Roman* juriſts; and may aſſert, that when

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a prince *violates the original* compact, and by *breaking the fundamental laws* manifests (and carries into execution as far as in him lies) by overt act, an attempt to subvert the constitution of the kingdom; when a prince puts himself in a situation which incapacitates him from performing the duties of his office, he has divested himself of title to authority; and the vacancy shall be supplied in such manner as the circumstances of the case demand, for the preservation of the liberty and peace of the nation.

Another reason is attempted, by which to prove, that the conduct of the revolutionists was not meant to assert, but to exclude the right of the people to choose their governors: it was a *small*, it is said, *and temporary deviation from the strict order of hereditary succession.* But doubtless it is too manifest to require proof or discussion that it was *not* a small deviation, since it vested the whole regal office *exclusively* in *William:* that it was not *temporary*, since it superseded all who were not protestants to the end of time: that indeed no change of succession could go much farther than one which constituted a new source, new limitations and conditions of descent: and that, had it been in fact as temporary and as small as any change of this nature can ever be, it could be justified on no principle of less extent than such as would alike authorize, if the case required, a total disregard to succession: and a case is obvious to be conceived in which, on the principles of the revolution, all idea of succession in any subsisting line must have been totally abandoned.

abandoned. Events were by no means improbable, in which, by the very act of ſucceſſion eſtabliſhed on the principles which had eſtabliſhed the revolution, a new appointment, for which no legiſlative proviſion had been made, muſt have taken place; perſons inheritable, if they had not expreſsly been excluded, ſtill remaining. And this appointment could have had no conſtitutional or rational baſis, but in an authority derived from *the choice of the people.* Mr. Capel Loft.

In reality, *the people* exerciſed a right as full as the moſt abſolute which the poſſeſſor of a fee can exert in limiting a private inheritance. If he gives this to *John*, in preference to his elder brother *James*, he gives it by the ſame right, and not by any leſs than that, which would have authorized him to give it to a ſtranger. If he limits the deſcent by conditions, he limits it as having the perfect diſpoſal; the nature and importance of thoſe conditions being in his own breaſt. If the legiſlature then adverted in the inſtance of *William* to any idea of propinquity to the throne, they did thus, becauſe ſuch propinquity was, with more eſſential conſiderations, a motive of choice; as ſoftening prejudices, and retaining ſo much of ancient uſage as appeared in the circumſtances ſafe and expedient to be retained. And in the preface to the laſt edition of the diſcourſe of Dr. Price on *the love of our country*, it is well obſerved, that the power of parliament to limit the deſcent and inheritance of the crown is ſolemnly affirmed by a deliberate

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berate act of the legiſlature*.—I ſay nothing of the extreme ſanction under which the denial of it is prohibited.

The right of the people to form a government for themſelves, is ſaid to have as little ſanction from the revolution as the other two, either in precedent or principle. This may truly and ſafely be admitted; ſince we have ſeen that thoſe two are moſt clearly and explicitly recognized, both in principle and practice, by that event: and if a people aſſert by their conduct their right to remove their governors for mal-adminiſtration of their office, their right to chooſe governors ſuperſeding by that choice the courſe of ſucceſſion; and if theſe rights ſo aſſerted reſolve themſelves into firſt principles of ſocial power and of civil freedom, it would be idle in the extreme to enquire by what means a people who underſtand theſe branches of their authority, inherit them as rational and ſocial beings, united for the common benefits of civil government, and act accordingly, can be made to doubt whether ſuch government be not as much theirs to re-model or create, as the perſons by whom it is to be adminiſtered are, neceſſarily, from the relation in which they ſtand, ſubject to their appointment and removal.

But if Mr. Burke views the *revolution* in this country in 1688 rightly, it was an exertion of public authority to eſtabliſh freedom for the people of that age, in ſo far as their leaders thought proper

* 6 Anne, c. 7.

) eſtabliſh it; but to perpetuate *ſlavery* on their poſterity for ever; ſince, if the ſtipulations which ey choſe at that time to make were to be for ver binding on their deſcendants by an irrepealble law, whatever defects or miſchiefs time and xperience might diſcover, the law, which derives s force in every free ſtate from being an expreſſion f the will of the ſtate, might act in the moſt perect contrariety to their will. Mr. Capel Loffft.

Every law, I apprehend, which is not merely declaratory of immutable principles (for theſe derive their obligation from an independent and ſupreme ſource) may be repealed by the ſame authority by which it is enacted; an ordinary law, by the ordinary power of the legiſlature under their general truſt; a conſtitutional law, by the conſtitutional power of the people under a ſpecial truſt, committed to the legiſlature for that particular purpoſe. In any other view of the ſubject, I ſhould feel little difference between the obſolete notion of a divine hereditary indefeaſible right to a perpetual ſucceſſion of unalterable monarchy, and a parliamentary indefeaſible obligation to an unchangeable form of government.

The kings, if there have been ſuch of this country ſince the *Norman William*, who did not owe their throne to choice, direct or remote, of their people, could, I apprehend, be no other than uſurpers. But it would not follow that the acts paſſed under their reign would conſequently be invalid, any more than the *plebiſcita* propoſed by a tribune

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tribune in the *Roman* republic, under certain incapacities, by the conſtitution, of holding that office. Mr. Burke, on recollection, can hardly, I think, fail to ſee the right ſide of this queſtion; which has not been overlooked by the obſervation and ſagacity of Plutarch. Laws would be wretchedly precarious indeed, if they ſhould be void by the want of title in the individual exerciſing in fact the regal office, though paſſed by the advice and concurrence of the repreſentatives of the people, and the other branch of the community, the lords. To ſuppoſe this, ſeems to contradict all analogy: and if no temporary and perſonal conſiderations had intervened, it ſeems incredible that the acts of the legiſlature during the interregnum could have been conſidered as void.

In the laſt ſeven centuries, and what has paſſed of the preſent, will one be found in which the courſe of ſucceſſion has been obſerved as an unalterable rule? The general principle of a ſucceſſive crown, in preference to one elective, at every vacancy, has prevailed; as of convenience, not of perpetual and proper neceſſity in a political ſenſe. Yet Mr. Burke expreſſes himſelf, as if there never had been a king of *England* who owed his throne to the choice of the people, prior to the revolution; and as if the validity of our moſt eſſential laws, ſuch as are vital to the conſtitution, depended on the reſult of reſearches now to be made reſpecting the validity of the titles to the crown of the ſeveral kings in whoſe reign they paſſed; as if the

two

wo houſes acting repreſentatively or immediately for the whole community, the king excepted, could not give ſanction to ſuch laws as they ſhould think neceſſary for the ſecurity and welfare of the people; if it ſhould happen that poſterity ſhould be convinced by antiquarians, that the duke of York had a better title than the duke of Lancaſter, or the contrary: that Richard the third was an uſurper; or, if he were not, that Henry the ſeventh was: that, to go earlier back, the ſecond or the fourth Henry ſtood upon ground that might not be able to reſiſt the preſſure of a ſevere diſcuſſion: that Edward the third had the moſt ſhocking objections to be oppoſed to his acceſſion: or again, in later times, that of the ſiſters Mary and Elizabeth, the principles of ſucceſſion, if tenable as to one, muſt fail as to the other; and that of choice, with regard to Mary, would have hiſtorical objections to its clearneſs, not eaſy to be ſurmounted. Where I ſee the approbation or voluntary acquieſcence of the people, I ſee law; although there may be anomalies affecting parts of the legiſlature: and on any other principle, I ſhould doubt whether we had an exiſting ſtatute which could be called a law; at leaſt ſince the *ſeptennial* act, or much farther back, the act of diſfranchiſement, in the 8th of Henry VI. But for the rule which ſupports laws until the public ſuffrage of the nation declares their invalidity, notwithſtanding defects in ſome of the branches of the legiſlature, it is unneceſſary to quote *Coke*, *Hale*, *Foſter*, *Blackſtone*, and *Barrington*.

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ton. The rule proves itſelf by its utility and neceſſity.

It ſhould ſeem, from another paſſage in Mr. Burke, that not one of the three branches of the legiſlature could be conſtitutionally annulled by its own conſent, and that of the other two, founded on the moſt expreſs and general declaration of the public will for the change: they have then each a ſeveral, abſolute, indefeaſible right in the moſt perfect ſenſe: and by the ſame reaſon, two or one would have had the ſame right, if no more had exiſted; and they could not, I preſume, have conſented to the creation of a co-ordinate power, any more than to the extinction of their own. To this ſtrict and neceſſary analogy ſeems to carry Mr. Burke: if ſo, it may ſhake his faith hereafter as to the legitimate exiſtence of an houſe of commons. It will not ſhake mine: I know that the creation of new, or extinction of actual legiſlative powers, is neceſſarily and clearly beyond the limits of the ordinary legiſlature: but to ſay *the nation* cannot proceed thus far without exceeding the bounds of moral competence; without breach of reaſon, faith, juſtice, and fixed policy, appears nothing leſs than ſaying, that it is morally incompetent to any people to have a better conſtitution than that which, on their firſt forming themſelves into civil ſociety, happened to be adopted.

I feel very different emotions from thoſe of pleaſure, in being obliged to diſſent from Mr. Burke; but I find another point which compels me to expreſs

diſſent: his denial of the *reſponſibility* of the public. Mr. Capel Lofft.

that Mr. Burke may find a ſtatute in
it reſponſibility is denied; denied not
repreſentative public in the ordinary ſtate
nſtitution, but of the people, in any the
extraordinary and fulleſt expreſſion of their
: may find (or rather he has found in both
the ſame denial, in a triumphant ſpeech*
ibunal of juſtice, when the monarchy ſat
ent on its late victors. He will certainly,
end, not hear from any ſociety or indivi-
mention made, or intimation given, of a
ative public, to which in the ſettled ſtate
nſtitution the king is reſponſible: but if
: of lords ſhould arrogate to itſelf exclu-
: powers of both, or either of the other
; if the houſe of commons ſhould declare
re to ſit till it ſhould diſſolve itſelf, that
lords and that houſe of commons would
nſible in right; and I truſt the ſpirit of the
would reduce that reſponſibility to fact.
can be more clearly in the houſe of lords
judicial power: and it would be impoſ-
both, or either of the co-ordinate powers of
titution to interfere coercively, by way of
, in caſe of miſapplication or non-uſe of
er. Yet in this right, which it poſſeſſes
liar and undoubted manner, it is unqueſ-

* Orlando Bridgeman, on the trial of the regicides.

tionably

Mr. Capel Lofft.

tionably reſponſible to the nation; and has certainly no other political reſponſibility, in a ſtrict and direct ſenſe.

The conſtitutional doctrine is, certainly, that the king is not criminally reſponſible to the ordinary legiſlature, nor any of its branches, to either or both the other. And the conſtitution provides expreſsly for that reſponſibility alone, which can be incurred while it exiſts unſubverted. While it does thus exiſt, none of its ſeparate powers can ſo act as to be amenable to the others. But whichever branch, by aſſuming an exorbitant authority, deſtroys the conſtitutional *equilibrium*, deprives itſelf of its immunities as a part of the conſtitution, and becomes neceſſarily reſponſible to the judgment of the community, by whoſe ſole arbitrement ſuch infraction can be remedied.

A king, or governors of any deſignation, irreſponſible to the community in caſes which exclude all other means of redreſs, would be as monſtrous an incongruity, compared with the univerſal principles and neceſſary end of government, as a king in the ordinary ſtate of the *Britiſh* government, reſponſible for meaſures which, in ſuch ſtate, muſt always have been reſolved and executed by miniſters in their known departments; who have a direct reſponſibility, in ſome caſes, to the ſubordinate courts of juſtice, and in all to parliament. Mr. Burke admits, that war may be juſtifiable by neceſſity againſt a king: that puniſhment may be juſtified, if inflicted "with a regard to dignity," and

nd the decorous gravity of national juſtice; for hat " the puniſhment of tyrants is a noble and ' awful act, and has, with truth, been ſaid to be " conſolatory of the human mind." It would, after this, appear ſufficient to remark, that the only reſponſibility of which, at this day, any man can expect to hear, is that which Mr. Burke has expreſsly, and with becoming ardour, recognized. But this conceſſion ſeems not long retained with conſiſtency. Mr. Capel Lofft.

For, if Mr. Burke has learnt that all perſons are individually and *collectively* under the king, he has learnt more than can be well reconciled to any caſe or form of reſponſibility: he has learnt more from the law than *Bracton* found in it; whoſe king, greater than the parts, is inferior to the aggregate; *ſingulis major, univerſis minor.* He has learnt more than the moſt eminent, and not ambitiouſly popular, of our modern lawyers, who quote with approbation this aphoriſm of *Bracton.*

If Mr. Burke, after his experience in courts and ſenates, and the beſt ſocieties (they are called the beſt) at home and abroad, remains perſuaded, that words are ſtrictly repreſentative and clearly diſcriminative of powers, it may be too much to queſtion the ſenſe annexed to the ſtyle by which our law ſpeaks of the king, " *our ſovereign lord.*"

Otherwiſe it might be ſaid, with apparent probability, that it only denoted his pre-eminence as the firſt *executive* over the ſubordinate magiſtracies; and not a proper political ſovereignty, ſuch as

Mr. Capel Lofft.

derivatively is aſcribed to the *legiſlature*, figuratively to the *conſtitution*, properly and abſolutely to the *people*. But if it would not bear a meaning correſpondent to the principles of conſtitutional freedom, it would be preferable to endure, or to diſuſe, a complimental ſoleciſm, rather than to permit a form of expreſſion to be an inſtrument of infringing or obſcuring public and ſubſtantial rights. And Mr. Burke, ſenſible of the facility with which titles of the loweſt ſubmiſſion may veil the invidious glare of the proudeſt domination, might as commodiouſly be reconciled to the poſſibility of pompous titles accompanying a limited and moderate authority.

There is much and elegant declamation on hereditary privileges in the crown, the lords, and the commons; a conſtitutional inheritance in rights and liberties, illuſtrating the dignity of the people. And where antiquity has been attended with uniform examples of wiſdom and virtue, it reflects a luſtre on thoſe bodies which are thus diſtinguiſhed. How far the wiſdom and virtue of our two houſes, how far the conduct even of the nation itſelf has maintained inviolate this inheritance of glory, I would not digreſs ſo far as to ſtate on this occaſion. But whatever privileges, whatever glory are inheritable from civil inſtitution, the rights of men, the honour of intellectual and moral agents, the illuſtrious rank of men determined to be free, is of date far higher, and of origin tranſcendently more venerable. It is an inheritance coeval with the commencement

mencement of humanity; its enſigns are the countenance impreſſed with the divine character of reaſon; its gallery, the extent of the habitable earth; its monuments, the unperiſhable memory of the wiſeſt, beſt, and braveſt of the ſpecies of every age and country; its evidence, the voice of nature; its title, our equal relation to the Deity: from whom we derive in common the powers, the obligations, and the correſpondent rights of man; reaſon, conſcience, and freedom.

Mr. Capel i. offr

Mr. G ROUS.

Letter to the Right Hon. Edmund Burke.

"THAT the nation is eſſentially the ſource of ſovereignty," is the principle of public law, againſt which the whole artillery of your eloquence has been levelled.—Yet this I affirm to be the fundamental principle of the Britiſh conſtitution; and that whoever denies it, cannot maintain the title of his preſent majeſty to the throne of theſe kingdoms. That, *in fact*, his title originated in the act of the PEOPLE, not organized in *any legal form*, nor *convened* by any *legal authority*, ſeems to me beyond all controverſy. The hiſtory of the revolution you have endeavoured to pervert. A ſimple narrative confutes you. King James, who *by law* could do no wrong, becauſe *by law* his agents and inſtruments were *alone reſponſible*, and who, *upon principles of natural juſtice*, could not forfeit for his ſon, fled from the kingdom, and carried with him his ſon. The prince of Orange refuſed to act upon the addreſs of the peers convened under lord Halifax, but called together a repreſentative of the PEOPLE, acknowledged *by no law*, nor *analogous* to *any aſſembly that had ever exiſted*. He convened not the members of parliament who had ſat under James the ſecond—not the members of *any one parliament* that had ſat under Charles—but *all the members* who had ſat in any parliament of Charles the ſecond before the ſubverſion of charters;

ters; and to theſe were added the *mayor, aldermen,* Mr. Rous.
and fifty members of the common-council of the city of London. This aſſembly *inveſted* the prince of Orange with *authority* to convene a parliament: and under this authority the ſubſequent ſettlement was made, which has given to the houſe of Brunſwick their title to the throne of theſe kingdoms. It is plain that this aſſembly was *convened* by a prince who had *no pretence* of himſelf to exerciſe authority within theſe kingdoms—no claim but his *recent merits* in delivering the people from arbitrary power—no title but to *their gratitude:*—and accordingly a *grateful ſenſe of his merits* rendering him the object of *their choice,* the nation veſted in him the *ſole exerciſe* of the royal authority during his life, in excluſion even of his wife, the princeſs Mary, as well as of other branches of the royal family. The nation in this ſettlement were certainly not governed by *caprice,* but by a *rational ſober choice.* The then *preſent ſettlement* in the prince of Orange was a meaſure of *preſent convenience*; the ſubſequent limitations followed the line of legal ſucceſſion, *as far as was judged conſiſtent with the religion and liberties of the country.* The late king, his ſon, and *all papiſts,* were *for ever excluded.*

When we ſpeak of a right in the nation, we do not mean a right to be found in the ſtatute-book, or defined by an exiſting law, for we are ſpeaking of a *right paramount, the ſource and origin of all law:* but if no right to change the ſucceſſion to the crown reſides in the people, his preſent majeſty is

Mr. Rous. an uſurper, and we are all rebels againſt our lawful ſovereign. From the revolution (not to go higher) no perſon *legally entitled to convene* a parliament has appeared, conſequently no parliament has exiſted; for I preſume you are not willing to revive the *republican fraud* of the *king's authority, ſignified by the two houſes of parliament.* In defiance, however, of the ſenſeleſs jargon of tories and jacobites, his majeſty's title ſtands on a rock of adamant. His title *originated* from the PEOPLE exerciſing a right which the God of nature has given, and that title has been uniformly *ſanctioned by their conſent.*

To rejoice at the overthrow of deſpotiſm, and the erection of a free conſtitution, does not require a *nice diſcrimination* of the caſes in which an *exerciſe* of this right is conſiſtent with *moral duty.* No man ever contended that a *nation,* any more than the *individuals* of which it is compoſed, are exempt from moral reſtraints. Deriving their being and their rights from God, all are accountable to God for their conduct; but as no theocracy exiſts, and as the delegated divine right of kings is exploded, we infer, that Britiſh kings, *deriving their authority from the people, are accountable to the people*; and ſteadily appeal to the revolution as deciſive evidence of this truth—a truth which no friend to the houſe of Brunſwick can poſſibly deny.

If the *language* of the old whigs, in contradiction *to the plain fact of their conduct,* was accommodated to the *prejudices* of their allies the tories, who concurred in the revolution—if they wiſhed not to expoſe

expoſe their recent eſtabliſhment to the attack of theſe *prejudices*—if, notwithſtanding all their care, *two rebellions* were excited by *theſe prejudices* in favour of the exiled family, and againſt the family of his preſent majeſty, now that the danger is paſt, to enlighten the people becomes a duty. In our anceſtors, this language of prejudice might be a pious fraud. In us, the ſame language is falſehood without a motive, and folly without excuſe. Mr. Rous.

The error of your reaſoning is manifeſt. It proceeds on this ſacrifice to prejudice, and the conſequent inaccuracy *in the language of the whigs* at the revolution: but it ſubverts the *principles* on which they *acted*. Thus, to diſprove the right of the people, you tranſcribe the *language* of the convention parliament, which derived its *exiſtence* from the *will of the nation, ſpoken by an organ unknown to our laws*, by a repreſentation of the people extremely diſſimilar in its conſtitution to an ordinary houſe of commons. In the ſame manner you refer to the *language* of the act of ſettlement, which, you ſay, veſts by *recognition* in their majeſties all the legal prerogatives of the crown, though the firſt object of that act was to veſt the *ſole exerciſe of theſe prerogatives* in king William, who had no pretence of title but the *choice of the nation*. In like manner you exult in the legiſlative ejaculation at "the "marvellous providence and merciful goodneſs of "God to this nation, to preſerve their ſaid majeſ-"ties' *royal* perſons, moſt happily to reign over us "on *the throne of their anceſtors*;" though the act

Mr. Rous. was made to overturn the *legal ſucceſſion*, and to confer the crown on their majeſties, who confeſſedly had no *previous title*. And laſtly, to ſum up this notable argument, and ſilence all objections, you give us the *language* of this act, in which lords and commons, in the name of the people, "ſubmit themſelves and their heirs and poſterity for "ever," as a complete abdication of all *future right* of change in their poſterity; though you confeſs this to be a tranſcript of an act of *their anceſtors*, which by this very inſtrument they themſelves had overthrown:—by which inſtrument they had poſtponed to king William two princeſſes prior in the line of ſucceſſion, *proteſtants*, reſident within the kingdom, againſt whom there was no exception:—by which inſtrument they had abſolutely cut off, not only king James, a tyrant and bigot, but likewiſe his *innocent infant ſon*, from an apprehenſion that he *might be hereafter educated in principles*, civil and religious, adverſe to the liberties of the country:—by which inſtrument they had eventually transferred the crown to the princeſs Sophia, in preference to others prior in the legal courſe of ſucceſſion; and had on this limitation engrafted a *new condition* reſpecting the religion and marriage of even her poſterity. By ſuch reaſoning an eſtate, conveyed to a *man and his heirs* for ever, would become the unalienable property of thoſe heirs in eternal ſucceſſion. The ſole difference is this—that an eſtate, being held for the *benefit of the individual*, is at *his diſpoſal*. All magiſtracy being held

ſolely

ſolely for the benefit of the nation, the nation alone have *the right to determine* how and by whom it ſhall be exerciſed. It is a vain attempt to puzzle a plain ſubject, by involving it in moral diſtinctions, which only regard the *exerciſe* of the right. A man who ſhould diſinherit a worthy ſon in favour of a worthleſs ſtranger would act a moſt *immoral* part; but his *right* to diſpoſe of his property could not be queſtioned. So a nation which ſhould change their government, without an adequate motive, without a rational proſpect of advancing the public happineſs, would likewiſe act a moſt *immoral* part; but *their right to judge for themſelves*, though not ſo familiar in the *exerciſe*, is alike unqueſtionable. This diſtinction between a *right* and its *exerciſe* is perfectly familiar in the writers on the laws of nations; and almoſt all the *acknowledged rights* of nations, in their intercourſe with each other, ſtand on this diſtinction. Mr. Rous.

You dwell with peculiar complacence on the term *neceſſity*, as applied to our revolution of 1688. Is it requiſite to obſerve, that this term imports a moral, not a phyſical, neceſſity, deſcriptive of the urgent duty on the people to aſſert and vindicate their rights? The abuſes of prerogative were the evils of that day. Suppoſe the *old ſpirit* ſhould aſſume new forms; are not the people, for whoſe benefit all government is inſtituted, for whom all governors act in truſt, authoriſed by the eternal laws of God to provide for the public happineſs? I am aſked, perhaps, by what organ their ſenſe of this

Mr. Rous. this duty ſhall be declared? An unconnected multitude have great difficulties to encounter in aſſerting their rights; and this diſadvantage has enabled the few to acquire and abuſe their power. The general diffuſion of knowledge every day diminiſhes this evil. Let us teach the people to underſtand the nature and true end of government, and the awe of their power will probably effect much good, without calling their force into action. If they be greatly oppreſſed, they will reſiſt—happy if in that reſiſtance their paſſions will ſubmit to the guidance of enlightened minds!

Mrs. MACAULAY.

THE liberty that was taken in the year 1688, by a convention of lords and commons, to depoſe king James the reigning ſovereign from the throne, and to veſt the ſovereignty of the realm in his daughter Mary, and her huſband the prince of Orange; and afterwards by the legiſlature, to paſs an act to ſettle the ſucceſſion in queen Anne and her iſſue, and in default of theſe, in the heirs of king William's body, and in default of theſe, in the houſe of Hanover (the proteſtant deſcendants of the houſe of Stuart in the female line); and this to the prejudice not only of king James, but of his ſon, who had been acknowledged as the lawful heir of his throne; and alſo to the prejudice of the houſe of Savoy, who by lineal deſcent were the next in regular ſucceſſion; are indeed facts, which *might warrant a plain thinking man* in the opinion, that the preſent reigning family owe their ſucceſſion to the choice or aſſent of the people. But, in Mr. Burke's opinion, theſe facts are of no weight, "becauſe the whole family of the Stuarts were not entirely left out of the ſucceſſion, and a native of England advanced to the throne; and becauſe it was declared in the act of ſucceſſion, that the proteſtant line drawn from James the firſt, was abſolutely neceſſary for the ſecurity of the realm.

Obſervations on the Reflections of the Right Hon. Edmund Burke, &c.

That thoſe individuals of the family of the

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Stuarts, who had never committed any offence againſt the peace of the country, and whoſe mode of faith was not injurious to its welfare, ſhould not be ſet aſide in favour of an abſolute ſtranger to the blood, was certainly a *juſt meaſure*; and it was certainly *wiſe* to leave as *few* competitors to the crown as poſſible, whether on grounds founded in juſtice, or in mere plauſibility. But there was a reaſon ſtill more forcible for the conduct of the two houſes of convention, and afterwards for the parliament in their conſtitutional capacity; and the reaſon is this, that *without the prince of Orange, and the aſſiſtance of his Dutch army, there could have been no revolution.* For the Engliſh nation at large was ſo little convinced of the *ſevere and grave neceſſity* which Mr. Burke talks of, that the people of themſelves would never have been rouſed to have depoſed king James; and they regarded all his innovations with ſuch a *conſtitutional phlegm*, that had this unfortunate monarch poſſeſſed the qualities of *firmneſs*, *perſeverance*, or *patience*, he muſt either have been killed by the dark means of *aſſaſſination*, or he would have *continued on the throne.*

That the friends of the revolution knew they could not do without the aſſiſtance of king William, is plain, by their laying aſide the intention of veſting Mary *ſingly* with the ſovereignty, on his declaring that, if this event took place, he would return to Holland, and leave them to themſelves.

However ſtrongly the warm friends of freedom might wiſh that this abſtract right of the people,

of

of chooſing their own magiſtrates, and depoſing them for ill conduct, had been laid open to the public by a formal declaration of ſuch a right in the acts of ſucceſſion, this certainly was not a period of time for carrying theſe wiſhes into execution. The whole body of the people had ſwallowed deeply of the *poiſon* of church policy; *paſſive obedience*, by their means, had ſo entirely ſupplanted the *abſtract notion* of the *rights of men*, which prevailed in the oppoſition to Charles the firſt; and ſo deſirous were the triumphant party to prevent the revival of ſuch a principle, by which their intereſts had been affected, that they took care to confound the *only juſt authority* they had for their conduct, in as great *a miſt of words and terms as poſſible*. Beſides, would William, who was the ſoul of the whole proceeding, have given way to a claim, by which, in the plaineſt terms, he was bound to his good behaviour? Mrs. Macaulay.

Mr. Hume juſtly ſuppoſes, that if the revolution had happened one hundred years after it did, it would have been *materially different* in all its circumſtances. Inſtead of thinking with Mr. Burke, that ſuch a plain declaration of the rights of men would have tended to diſturb the quiet of the nation, I firmly believe that it would have had a contrary effect; for, in this caſe, thoſe endleſs diſputes between the *nonjurors*, *tories* and *whigs*, would ſoon have had an end. For, the queſtion not being involved in that *obſcurity*, *contradiction* and *abſurdity*, in which it was enveloped by the revolutioniſts, *truth* and *reaſon* would

Mrs. Macaulay.

would have reſumed their ſway; *party jargon* would have been exploded; the people would have given a cheerful obedience to the new government; and that dreadful *neceſſity* by which ſir Robert Walpole excuſed the introducing a ſettled *ſyſtem of corruption* into the adminiſtration would never have exiſted.

When the ſucceſſion to a crown in one family, or even the poſſeſſion of private property, owes its origin to the people, moſt undoubtedly the authority from whence it is derived, attaches itſelf to the gift as equally in every individual of the family, through the whole line of ſucceſſion, as in the firſt poſſeſſor. And I can hardly believe, that there was *one* enlightened member who compoſed part of that legiſlative body who ſettled the ſucceſſion to the throne, could poſſibly think that body poſſeſſed of ſuch a plenitude of power, as ſhould give them a right, not only to *ſet aſide* the regulations of their anceſtors, but to *bind their poſterity*, to all ſucceeding generations, in the permanent chains of an unalterable law. Should we once admit of *a power ſo incompatible with the conditions of humanity*, and only reſerved for the dictates of *divine wiſdom*, we have not in theſe enlightened days improved on the politics of the fanatic atheiſt Hobbes; *for he ſuppoſes an original right in the people to chooſe their governors*; but in exerting this right, the citizen and his poſterity for ever loſe their native privileges, and become bound through the whole ſeries of generations to the ſervice of a maſter's will.

We

We will now take into conſideration the nature id tendency of the two different compliments hich have been paid by Dr. Price and Mr. Burke his majeſty and his ſucceſſors. Dr. Price, I ink, puts their right to government on the *moſt* gnified, and perhaps, in the event of things, on e *moſt permanent* footing. But Mr. Burke would ave done well to conſider, whether ſuch a compli- ent as he is willing to pay to royalty is at all roper, either for the ſubject to make, or the king receive. To a weak prince, it would be apt to ancel in his mind *all the obligations* which he owes the people, and, by flattering him in a *vain* onceit of a mere perſonal right, tempt him to reak thoſe ſacred ties which ought to *bind* and reſt his government. I am apt to believe, that lmoſt *all the vices* of royal adminiſtration have rincipally been occaſioned by a *flaviſh adulation* in he language of their ſubjects; and to the *ſhame f the Engliſh people* it muſt be ſpoken, that none of he enſlaved nations in the world addreſs the hrone in a more *fulſome* and *hyperbolical* ſtyle of ubmiſſive flattery.

Mr. Macaulay.

To a *wiſe* and a *good* prince, compliments of the ame complexion, made and recommended by Mr. Burke, would be *offenſive*. He would conſider it s taking away the *nobleſt* and *ſafeſt title* by which e poſſeſſes his power: he would conſider it as cknowledging a kind of *latent* right in other fami- lies; and the liberality of his ſentiment would in- cline him to triumph in the opinion, that he was

called

called to government, and *continued* in it, by the *choice* and *confidence* of a free nation.

Mr. Burke ſeems to adopt *prejudice*, *opinion*, and the powers of the *imagination*, as the *ſafeſt grounds* on which *wiſe* and *good* ſtateſmen can eſtabliſh or continue the happineſs of ſocieties. Theſe have always been imputed by philoſophers (a tribe of men whom indeed Mr. Burke affects much to deſpiſe) as cauſes which have produced all that is *vicious* and *fooliſh* in man, and conſequently have been the fruitful ſource of human *miſery*.

Mr. Burke has certainly a fine imagination; but I would not adviſe either *him* or any of *his admirers* to give *too much* way to ſuch direction; for if from the virtue of our nature it does not lead us into *crimes*, it always involves us in *error*.

The being put into a ſituation clearly to underſtand and to obey the *principles of truth*, appears to be the baſis of our happineſs in this, and our perfection in another world; and the *more* truth is followed and purſued in this dark vale of human ignorance and miſery, the *more* we ſhall *increaſe* our mundane felicity, and *ſecure* the bleſſings of a future exiſtence. *Every opinion* which deviates from *truth*, muſt ever be a *treacherous* guide; and the more it deviates from it, it becomes the *more dangerous*.

Though a falſe opinion of the rights and powers of citizens may *enſlave* the ductile mind into a ſtate of paſſive obedience, and thus ſecure the peace of government; yet in the ſame degree does it inflate the *pride* and *arrogance* of princes, until all conſiderations

ſiderations of *rectitude* give way to *will*, the barriers of perſonal ſecurity are flung down, and thence ariſes that *tremendous neceſſity* which muſt be followed by a ſtate of *violence* and *anarchy*, which Mr. Burke ſo *juſtly* dreads. That this is the caſe, the experience of all ſocieties of men who acknowledge a *power* in their princes *paramount* to all reſiſtance, fully evinces. Theſe ſocieties are obliged often to have recourſe to violence and maſſacre; not indeed to eſtabliſh any popular rights, but in the way of force, to wreak their vengeance on their tyrants. Mrs. Macaulay.

As to the right of *caſhiering* or *depoſing* monarchs for miſgovernment, I cannot poſſibly agree with Mr. Burke, that in England it only exiſted in that convention of the two houſes in 1688, which exerciſed this power over king James and his legal ſucceſſors. But I am clearly of opinion, that it is a right that ought never to be exerciſed by a people who are ſatisfied with their form of government, and have ſpirit enough to correct its abuſes; and ſo far from *condemning* the French nation for not depoſing or executing their king, even though the *ſtrongeſt preſumptions* of the *moſt atrocious guilt* ſhould have appeared againſt him, I think, had they elected any other perſon to that high office, they would have thrown difficulties in the way of their liberty, inſtead of improving it. But it is the *wiſdom*, and not the *folly* of the national aſſembly, which gives *offence* to their *enemies*; and *forces even Mr. Burke* to contradict, in this inſtance, the rule which he had

Mrs. Macaulay.

laid down, "That monarchs ſhould not be depoſ for miſconduct, but only when its criminality is a kind to render the government totally incom tible with the ſafety of the people."

RICH

RIGHTS OF MAN.

MR. BURKE.

YOU will ſmile here at the conſiſtency of the democratiſts of France, who, when they are not on their guard, treat the humbler part of the community with the greateſt contempt, whilſt, at the ſame time, they pretend to make them the depoſitories of all power. It would require a long diſcourſe tó point out to you the many fallacies that lurk in the generality and equivocal nature of the terms "inadequate repreſentation." I ſhall only ſay here, in juſtice to that old-faſhioned conſtitution under which we have long proſpered, that our repreſentation has been found perfectly adequate to all the purpoſes for which a repreſentation of the people can be deſired or deviſed. I defy the enemies of our conſtitution to ſhew the contrary. To detail the particulars in which it is found ſo well to promote its ends, would demand a treatiſe on our practical conſtitution. I ſtate here the doctrine of the revolutioniſts, only that you and others may ſee what an opinion theſe gentlemen entertain of the conſtitution of their country, and why they ſeem to think that

Reflections on the Revolution in France, &c.

Mr. Burke. ſome great abuſe of power, or ſome great calamity, as giving a chance for the bleſſing of a conſtitution according to their ideas, would be much palliated to their feelings. You ſee *why they* are ſo much enamoured of your fair and equal repreſentation, which being once obtained, the ſame effects might follow. You ſee they conſider our houſe of commons as only "a ſemblance," "a form," "a theory," "a ſhadow," "a mockery," perhaps "a nuiſance."

Theſe gentlemen value themſelves on being ſyſtematic; and not without reaſon. They muſt therefore look on this groſs and palpable defect of repreſentation, this fundamental grievance (ſo they call it), as a thing not only vicious in itſelf, but as rendering our whole government abſolutely *illegitimate*, and not at all better than a downright *uſurpation*. Another revolution, to get rid of this illegitimate and uſurped government, would of courſe be perfectly juſtifiable, if not abſolutely neceſſary. Indeed their principle, if you obſerve it with any attention, goes much further than to an alteration in the election of the houſe of commons; for, if popular repreſentation, or choice, is neceſſary to the *legitimacy* of all government, the houſe of lords is, at one ſtroke, baſtardiſed and corrupted in blood. That houſe is no repreſentative of the people at all, even in "ſemblance or in form." The caſe of the crown is altogether as bad. In vain the crown may endeavour to ſcreen itſelf againſt theſe gentlemen by the authority of the eſtabliſhment

eſtabliſhment made on the revolution. The revolution, which is reſorted to for a title, on their ſyſtem, wants a title itſelf. The revolution is built, according to their theory, upon a baſis not more ſolid than our preſent formalities, as it was made by an houſe of lords not repreſenting any one but themſelves; and by an houſe of commons exactly ſuch as the preſent, that is, as they term it, by a mere "ſhadow and mockery" of repreſentation. Mr. Burke.

Something they muſt deſtroy, or they ſeem to themſelves to exiſt for no purpoſe. One ſet is for deſtroying the civil power through the eccleſiaſtical; another, for demoliſhing the eccleſiaſtic through the civil. They are aware that the worſt conſequences might happen to the public in accompliſhing this double ruin of church and ſtate; but they are ſo heated with their theories, that they give more than hints, that this ruin, with all the miſchiefs that muſt lead to it and attend it, and which to themſelves appear quite certain, would not be unacceptable to them, or very remote from their wiſhes. A man amongſt them of great authority, and certainly of great talents, ſpeaking of a ſuppoſed alliance between church and ſtate, ſays, "perhaps *we muſt wait for the fall of the* "*civil powers* before this moſt unnatural alliance "be broken. Calamitous no doubt will that "time be. But what convulſion in the political "world ought to be a ſubject of lamentation, "if it be attended with ſo deſirable an effect?"

Mr. Burke. You ſee with what a ſteady eye theſe gentlemen are prepared to view the greateſt calamities which can befall their country!

It is no wonder therefore, that with theſe ideas of every thing in their conſtitution and government at home, either in church or ſtate, as illegitimate and uſurped, or at beſt as a vain mockery, they look abroad with an eager and paſſionate enthuſiaſm. Whilſt they are poſſeſſed by theſe notions, it is vain to talk to them of the practice of their anceſtors, the fundamental laws of their country, the fixed form of a conſtitution whoſe merits are confirmed by the ſolid teſt of long experience, and an increaſing public ſtrength and national proſperity. They deſpiſe experience, as the wiſdom of unlettered men; and as for the reſt, they have wrought under-ground a mine that will blow up at one grand exploſion all examples of antiquity, all precedents, charters, and acts of parliament. They have "the rights of men." Againſt theſe there can be no preſcription; againſt theſe no agreement is binding: theſe admit no temperament, and no compromiſe: any thing withheld from their full demand is ſo much of fraud and injuſtice. Againſt theſe their rights of men let no government look for ſecurity in the length of its continuance, or in the juſtice and lenity of its adminiſtration. The objections of theſe ſpeculatiſts, if its forms do not quadrate with their theories, are as valid againſt ſuch an old and beneficent government as againſt the moſt violent tyranny,

or the greeneſt uſurpation. They are always at iſſue with governments, not on a queſtion of abuſe, but a queſtion of competency, and a queſtion of title. I have nothing to ſay to the clumſy ſubtilty of their political metaphyſics. Let them be their amuſement in the ſchools—"Illa *ſe "jactet in aula—Æolus et clauſo ventorum carcere "regnet.*" But let them not break priſon to burſt like a *Levanter*, to ſweep the earth with their hurricane, and to break up the fountains of the great deep to overwhelm us. Mr. Burke.

Far am I from denying in theory, full as far is my heart from withholding in practice (if I were of power to give or to withhold), the *real* rights of men. In denying their falſe claims of right, I do not mean to injure thoſe which are real, and are ſuch as their pretended rights would totally deſtroy. If civil ſociety be made for the advantage of man, all the advantages for which it is made become his right. It is an inſtitution of beneficence; and law itſelf is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to juſtice, as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their induſtry, and to the means of making their induſtry fruitful. They have a right to the acquiſitions of their parents; to the nouriſhment and improvement of their offspring; to inſtruction in life, and to conſolation in death. Whatever each man can ſeparately

Mr. Burke. do, without treſpaſſing upon others, he has a right to do for himſelf; and he has a right to a fair portion of all which ſociety, with all its combinations of ſkill and force, can do in his favour. In this partnerſhip all men have equal rights; but not to equal things. He that has but five ſhillings in the partnerſhip, has as good a right to it, as he that has five hundred pounds has to his larger proportion. But he has not a right to an equal dividend in the product of the joint ſtock; and as to the ſhare of power, authority, and direction which each individual ought to have in the management of the ſtate, that I muſt deny to be amongſt the direct original rights of man in civil ſociety; for I have in my contemplation the civil ſocial man, and no other. It is a thing to be ſettled by convention.

If civil ſociety be the offſpring of convention, that convention muſt be its law. That convention muſt limit and modify all the deſcriptions of conſtitution which are formed under it. Every ſort of legiſlative, judicial, or executory power are its creatures. They can have no being in any other ſtate of things; and how can any man claim, under the conventions of civil ſociety, rights which do not ſo much as ſuppoſe its exiſtence? rights which are abſolutely repugnant to it? One of the firſt motives to civil ſociety, and which becomes one of its fundamental rules, is, *that no man ſhould be judge in his own cauſe.* By this each perſon has at once diveſted himſelf of the

the firſt fundamental right of uncovenanted man, that is, to judge for himſelf, and to aſſert his own cauſe. He abdicates all right to be his own governor. He incluſively, in a great meaſure, abandons the right of ſelf-defence, the firſt law of nature. Men cannot enjoy the rights of an uncivil and of a civil ſtate together. That he may obtain juſtice, he gives up his right of determining what it is in points the moſt eſſential to him. That he may ſecure ſome liberty, he makes a ſurrender in truſt of the whole of it. Mr. Burke.

Government is not made in virtue of natural rights, which may and do exiſt in total independence of it; and exiſt in much greater clearneſs, and in a much greater degree of abſtract perfection: but their abſtract perfection is their practical defect. By having a right to every thing they want every thing. Government is a contrivance of human wiſdom to provide for human *wants*. Men have a right that theſe wants ſhould be provided for by this wiſdom. Among theſe wants is to be reckoned the want, out of civil ſociety, of a ſufficient reſtraint upon their paſſions. Society requires not only that the paſſions of individuals ſhould be ſubjected, but that even in the maſs and body, as well as in the individuals, the inclinations of men ſhould frequently be thwarted, their will controlled, and their paſſions brought into ſubjection. This can only be done *by a power out of themſelves*; and not, in the exerciſe of its function, ſubject to that will and to thoſe paſſions which

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which it is its office to bridle and ſubdue. In this ſenſe the reſtraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the reſtrictions vary with times and circumſtances, and admit of infinite modifications, they cannot be ſettled upon any abſtract rule; and nothing is ſo fooliſh as to diſcuſs them upon that principle.

The moment you abate any thing from the full rights of men, each to govern himſelf, and ſuffer any artificial poſitive limitation upon thoſe rights, from that moment the whole organization of government becomes a conſideration of convenience. This it is which makes the conſtitution of a ſtate, and the due diſtribution of its powers, a matter of the moſt delicate and complicated ſkill. It requires a deep knowledge of human nature and human neceſſities, and of the things which facilitate or obſtruct the various ends which are to be purſued by the mechaniſm of civil inſtitutions. The ſtate is to have recruits to its ſtrength, and remedies to its diſtempers. What is the uſe of diſcuſſing a man's abſtract right to food or to medicine? The queſtion is upon the method of procuring and adminiſtering them. In that deliberation I ſhall always adviſe to call in the aid of the farmer and the phyſician, rather than the profeſſor of metaphyſics.

The ſcience of conſtructing a commonwealth, or renovating it, or reforming it, is, like every other experimental ſcience, not to be taught *à priori*. Nor is it a ſhort experience that can inſtruct us in

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that practical ſcience; becauſe the real effects of moral cauſes are not always immediate; but that which in the firſt inſtance is prejudicial, may be excellent in its remoter operation; and its excellence may ariſe even from the ill effects it produces in the beginning. The reverſe alſo happens, and very plauſible ſchemes, with very pleaſing commencements, have often ſhameful and lamentable concluſions. In ſtates there are often ſome obſcure and almoſt latent cauſes, things which appear at firſt view of little moment, on which a very great part of its proſperity or adverſity may moſt eſſentially depend. The ſcience of government being therefore ſo practical in itſelf, and intended for ſuch practical purpoſes, a matter which requires experience, and even more experience than any perſon can gain in his whole life, however ſagacious and obſerving he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has anſwered in any tolerable degree for ages the common purpoſes of ſociety, or on building it up again, without having models and patterns of approved utility before his eyes. Mr. Burke.

Theſe metaphyſic rights entering into common life, like rays of light which pierce into a denſe medium, are by the laws of nature refracted from their ſtraight line. Indeed, in the groſs and complicated maſs of human paſſions and concerns, the primitive rights of men undergo ſuch a variety of refractions and reflections, that it becomes abſurd to talk of them as if they continued in the ſimplicity

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city of their original direction. The nature of man is intricate; the objects of ſociety are of the greateſt poſſible complexity; and therefore no ſimple diſpoſition or direction of power can be ſuitable either to man's nature, or to the quality of his affairs. When I hear the ſimplicity of contrivance aimed at and boaſted of in any new political conſtitutions, I am at no loſs to decide that the artificers are groſsly ignorant of their trade, or totally negligent of their duty. The ſimple governments are fundamentally defective, to ſay no worſe of them. If you were to contemplate ſociety in but one point of view, all theſe ſimple modes of polity are infinitely captivating. In effect, each would anſwer its ſingle end much more perfectly than the more complex is able to attain all its complex purpoſes. But it is better that the whole ſhould be imperfectly and anomalouſly anſwered, than that, while ſome parts are provided for with great exactneſs, others might be totally neglected, or perhaps materially injured by the over-care of a favourite member.

The pretended rights of theſe theoriſts are all extremes; and in proportion as they are metaphyſically true, they are morally and politically falſe. The rights of men are in a ſort of *middle*, incapable of definition, but not impoſſible to be diſcerned. The rights of men in governments are their advantages, and theſe are often in balances between differences of good; in compromiſes ſometimes between good and evil, and ſometimes between evil and evil. Political reaſon is a computing principle;

principle; adding, ſubtracting, multiplying, and dividing, morally, and not metaphyſically or mathematically, true moral denominations. Mr. Burke.

By theſe theoriſts the right of the people is almoſt always ſophiſtically confounded with their power. The body of the community, whenever it can come to act, can meet with no effectual reſiſtance; but, till power and right are the ſame, the whole body of them has no right inconſiſtent with virtue, and the firſt of all virtues, prudence. Men have no right to what is not reaſonable, and to what is not for their benefit; for though a pleaſant writer ſaid, *Liceat perire poetis*, when one of them, in cold blood, is ſaid to have leaped into the flames of a volcanic revolution—*ardentem frigidus Ætnam inſilit*—I conſider ſuch a frolic rather as an unjuſtifiable poetic licenſe, than as one of the franchiſes of Parnaſſus; and whether he were poet, or divine, or politician, that choſe to exerciſe this kind of right, I think that more wiſe, becauſe more charitable thoughts would urge me rather to ſave the man, than to preſerve his brazen ſlippers as the monuments of his folly.

This diſtemper of remedy, grown habitual, relaxes and wears out, by a vulgar and proſtituted uſe, the ſpring of that ſpirit which is to be exerted on great occaſions. It was in the moſt patient period of Roman ſervitude that themes of tyrannicide made the ordinary exerciſe of boys at ſchool—*cum decimit ſævos claſſis numeroſa tyrannos.* In the ordinary ſtate of things, it produces in a country like

Mr. Burke.

ours the worſt effects, even on the cauſe of that li-
berty which it abuſes with the diſſoluteneſs of an
extravagant ſpeculation. Almoſt all the high-bred
republicans of my time have, after a ſhort ſpace,
become the moſt decided, thorough-paced cour-
tiers; they ſoon left the buſineſs of a tedious, mo-
derate, but practical reſiſtance, to thoſe of us whom,
in the pride and intoxication of their theories, they
have ſlighted as not much better than tories. Hy-
pocriſy of courſe delights in the moſt ſublime ſpe-
culations; for, never intending to go beyond ſpe-
culation, it coſts nothing to have it magnificent.
But even in caſes where rather levity than fraud
was to be ſuſpected in theſe ranting ſpeculations,
the iſſue has been much the ſame. Theſe profeſ-
ſors, finding their extreme principles not applicable
to caſes which call only for a qualified, or, as I may
ſay, civil and legal reſiſtance, in ſuch caſes employ
no reſiſtance at all. It is with them a war or a re-
volution, or it is nothing. Finding their ſchemes
of politics not adapted to the ſtate of the world in
which they live, they often come to think lightly
of all public principle; and are ready, on their part,
to abandon for a very trivial intereſt what they find
of very trivial value. Some indeed are of more
ſteady and perſevering natures; but theſe are eager
politicians out of parliament, who have little to
tempt them to abandon their favourite projects.
They have ſome change in the church or ſtate, or
both, conſtantly in their view. When that is the
caſe, they are always bad citizens, and perfectly
unſure

nſure connexions. For, conſidering their ſpecu- Mr. Burke.
ative deſigns as of infinite value, and the actual
rrangement of the ſtate as of no eſtimation, they
are at beſt indifferent about it. They ſee no merit
in the good, and no fault in the vicious manage-
ment of public affairs; they rather rejoice in the
latter, as more propitious to revolution. They ſee
no merit or demerit in any man, or any action, or
any political principle, any further than as they
may forward or retard their deſign of change: they
therefore take up one day the moſt violent and
ſtretched prerogative, and another time the wildeſt
democratic ideas of freedom, and paſs from the one
to the other without any ſort of regard to cauſe, to
perſon, or to party.

In France you are now in the criſis of a revolution; and in the tranſit from one form of government to another, you cannot ſee that character of men exactly in the ſame ſituation in which we ſee it in this country. With us it is militant—with you it is triumphant; and you know how it can act when its power is commenſurate to its will. I would not be ſuppoſed to confine thoſe obſervations to any deſcription of men, or to comprehend all men of any deſcription within them—no; far from it. I am as incapable of that injuſtice, as I am of keeping terms with thoſe who profeſs principles of extremes; and who, under the name of religion, teach little elſe than wild and dangerous politics. The worſt of theſe politics of revolution is this, they temper and harden the breaſt, in order to prepare

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Mr Burke. it for the deſperate ſtrokes which are ſometimes uſed in extreme occaſions. But as theſe occaſions may never arrive, the mind receives a gratuitous taint; and the moral ſentiments ſuffer not a little, when no political purpoſe is ſerved by the depravation. This ſort of people are ſo taken up with their theories about the rights of man, that they have totally forgot his nature. Without opening one new avenue to the underſtanding, they have ſucceeded in ſtopping up thoſe that lead to the heart. They have perverted in themſelves, and in thoſe that attend to them, all the well-placed ſympathies of the human breaſt.

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THE principle of theory which has actuated the legiſlators of France has been, that the object of all legitimate government is the aſſertion and protection of the *natural rights of man.* They cannot indeed be abſolved of ſome deviations* from the path preſcribed by this great principle; few, indeed, compared with thoſe of any other body of whom hiſtory has preſerved any record; but too many for their own glory, and for the happineſs of the human race. This principle, however, is the baſis of their edifice; and if it be falſe, the ſtructure muſt fall to the ground. Againſt this principle, therefore, Mr. Burke has with great judgment directed his attack. Appeals to natural right are, according to him, inconſiſtent and preposterous. A complete abdication and ſurrender of all natural right is made by man in entering into ſociety, and the only rights which he retains are *created* by the compact which holds together the ſociety of which he is member. This doctrine he thus explicitly aſſerts:—"The moment," ſays he, "you abate any thing from the full rights of men Vindiciæ Gallicæ.

* I particularly allude to their colonial policy; but I think it candid to ſay, that I ſee in their full force the difficulties of that embarraſſing buſineſs.

Mr. Mackintosh. "each to govern himself, and suffer any artificial "positive limitation on those rights, from that mo- "ment the whole organization of society becomes a "consideration of convenience. How can any man "claim under the conventions of civil society "rights which do not so much as suppose its ex- "istence—rights which are absolutely repugnant "to it?" To examine this doctrine, therefore, is of fundamental importance. To this effect it is not necessary to enter on any elaborate research into the metaphysical principles of politics and ethics. A full discussion of the subject would indeed demand such an investigation *. The origin of natural rights must have been illustrated, and even their existence proved against some theorists. But such an enquiry would have been inconsistent with the nature of a publication, of which the object was to enforce conviction on the people. We are besides absolved from the necessity of it in a controversy with Mr. Burke, who himself recognizes, in the most ample form, the existence of those natural rights.

* It might, perhaps, not be difficult to prove, that far from a *surrender*, there is not even a *diminution* of the natural rights of men by their entrance into society. The existence of some union with greater or less permanence and perfection of public force for public protection (*the essence of government*) might be demonstrated to be coeval and coextended with man. All theories, therefore, which suppose the *actual existence* of any state antecedent to the social, might be convicted of futility and falsehood.

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Granting their exiſtence, the diſcuſſion is ſhort. The only criterion by which we can eſtimate the portion of natural right ſurrendered by man on entering into ſociety is the *object* of the ſurrender. If more is claimed than that object exacts, it becomes not an *object*, but a *pretext*. Now the *object* for which a man reſigns any portion of his natural ſovereignty over his own actions is, that he may be protected from the *abuſe* of the ſame dominion in other men. No greater ſacrifice is therefore neceſſary than is preſcribed by this object, the reſignation of *powers* that in their exerciſe might be injurious to *another*. Nothing, therefore, can be more fallacious than to pretend, that we are precluded in the ſocial ſtate from *any* appeal to natural right. It remains in its full integrity and vigour, if we except that *portion* of it which men mutually ſacrifice for protection againſt each other. They do not ſurrender all; that is not exacted by the object they have in view; and whatever government, under *pretence* of that ſurrender of natural right which is made for mutual ſecurity, aſſumes more than that object *rigorouſly* preſcribes, is an uſurpation ſupported by ſophiſtry, a deſpotiſm varniſhed by illuſion. It follows from this principle, that the ſurrender of right muſt be *equal* in all the members of ſociety, as the object is to all preciſely the ſame. In effect, ſociety, inſtead of deſtroying, realizes and ſubſtantiates equality. In a ſtate of *nature*, the equality of right is an impotent theory,

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which inequalities of ſtrength and ſkill every moment violate. It is called into energy and effect only by ſociety. As natural equality is not conteſted, and that the ſum of right ſurrendered by every individual is equal, it cannot be denied that the remnant ſpared by the ſocial compact muſt be equal alſo. *Civil* inequalities, or, more correctly, civil diſtinction, muſt exiſt in the ſocial body, becauſe it muſt poſſeſs organs deſtined for different functions. But political inequality is equally inconſiſtent with the principles of natural right and the object of civil inſtitution *.

Men retain a right to a ſhare in their own government, becauſe the exerciſe of the right by one man is not inconſiſtent with its poſſeſſion by another, which is evidently the only caſe where the ſurrender of a natural right can be exacted by ſociety.

This doctrine is not more abſtractly evident than it is practically important. The ſlighteſt deviation from it legitimates every tyranny. If the only criterion of governments be the ſuppoſed *convention* which forms them, *all* are equally legitimate; for the only interpreter of the convention is the uſage of the government, which is thus prepoſterouſly made

* "But as to the ſhare of power, authority, and direction "which each individual ought to have in the management of "a ſtate, that I muſt deny to be among the direct original "rights of man in civil ſociety." This is evidently denying the exiſtence of what has been called *political*, in contradiſtinction to *civil* liberty.

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its own ſtandard. Governors muſt, indeed, abide by the maxims of the conſtitution they adminiſter; but what the conſtitution is, muſt be on this ſyſtem immaterial. The king of France it does not, indeed, permit to put out the eyes of the princes of the blood, nor the ſophi of Perſia to have recourſe to *lettres de cachet*. They muſt tyrannize by precedent, and oppreſs in reverent imitation of the models conſecrated by the uſage of deſpotic predeceſſors. But if they adhere to theſe, there is no remedy for the oppreſſed, ſince an appeal to the rights of nature were treaſon againſt the principles of the ſocial union. If, indeed, any offence againſt *precedent*, in the kind or degree of oppreſſion, be committed, this theory may (though moſt inconſiſtently) permit reſiſtance. But as long as the *forms* of any government are preſerved, it poſſeſſes in a view of *juſtice* (whatever be its nature) equal claims to obedience. This inference is irreſiſtible; and it is *thus* evident, that the doctrines of Mr. Burke are doubly refuted by the fallacy of the logic which ſupports them, and the abſurdity of the concluſions to which they lead.

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They are alſo virtually contradicted by the laws of all nations. Were his opinion true, the language of laws ſhould be *permiſſive*, not *reſtrictive*. Had men ſurrendered all their rights into the hands of the magiſtrate, the object of laws ſhould have been to announce the portion he was pleaſed to return them, not the part of which he is compelled

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to deprive them. The criminal code of all nations conſiſts of *prohibitions*; and whatever is not prohibited by the law, men every where conceive themſelves entitled to do with impunity. They act on the principle which this language of law teaches them, that they retain rights which no power can impair or infringe, which are not the boon of ſociety, but the attribute of their nature. The rights of magiſtrates and public officers are truly the creatures of ſociety. They, therefore, are guided not by what the law does not *prohibit*, but by what it authorizes or enjoins. Were the rights of citizens equally created by ſocial inſtitution, the language of the civil code would be ſimilar, and the obedience of ſubjects would have the ſame limits.

This doctrine, thus falſe in its principles, abſurd in its concluſions, and contradicted by the avowed ſenſe of mankind, is even abandoned by Mr. Burke himſelf. He is betrayed into a confeſſion directly repugnant to his general principle :—" Whatever " each man can do without treſpaſſing on others, " he has a *right* to do for himſelf; and he has a *right* " to a *fair portion* of *all* that ſociety, with all its " combinations of ſkill and force, can do for him." Either this right is univerſal, or it is not. If it be univerſal, it cannot be the offſpring of convention; for conventions muſt be as various as forms of government, and there are many of them which do not recognize this right, nor place man in this condition of juſt equality. All governments, for example,

ample, which tolerate ſlavery neglect this right; for a ſlave is neither entitled to the fruits of his own induſtry, nor to any portion of what the combined force and ſkill of ſociety produce. If it be not univerſal, it is no right at all; and it can only be called a *privilege* accorded by ſome governments, and withheld by others. I can diſcern no mode of eſcaping from this dilemma, but the avowal that theſe civil claims are the remnant of thoſe *metaphyſic* rights which Mr. Burke holds in ſuch abhorrence, but which it ſeems the more natural object of ſociety to protect than deſtroy. Mr. Mackintoſh.

But it may be urged, that though all appeals to the natural rights of men be not precluded by the ſocial compact, though their integrity and perfection in the civil ſtate may *theoretically* be admitted; yet as men unqueſtionably may refrain from the exerciſe of their rights, if they think their exertion unwiſe; and as government is not a ſcientific ſubtlety, but a *practical* expedient for general good, all recourſe to theſe elaborate abſtractions is frivolous and futile, and the grand queſtion in government is not its ſource, but its tendency; not a queſtion of right, but a conſideration of expediency. Political forms, it may be added, are only the *means* of enſuring a certain portion of public felicity. If the *end* be confeſſedly obtained, all diſcuſſion of the theoretical aptitude of the *means* to produce it is nugatory and redundant.

To this I anſwer, *firſt*, that ſuch reaſoning will prove too much, and that, taken in its proper ex-

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tent, it impeaches the great ſyſtem of morals, of which political principles form only a part. All morality is, no doubt, founded on a broad and general expediency—" *Ipſa utilitas juſti prope mater* " *& æqui*," may be ſafely adopted, without the reſerve dictated by the timid and inconſtant philoſophy of the poet. Juſtice is expediency; but it is expediency, ſpeaking by general maxims, into which reaſon has concentrated the experience of mankind. Every general principle of juſtice is demonſtrably expedient, and it is this utility alone that confers on it a moral obligation. But it would be fatal to the exiſtence of morality, if the utility of every *particular act* were to be the ſubject of deliberation in the mind of every moral agent. A general moral maxim is to be obeyed, even if the inutility is evident, becauſe the precedent of deviating more than balances any utility that may exiſt in the particular deviation. Political firſt principles are of this deſcription. They are only moral principles adapted to the civil union of men. When I aſſert that a man has a right to life, liberty, &c. I only mean to enunciate a *moral maxim* founded on *general intereſt*, which prohibits any attack on theſe poſſeſſions. In this primary and radical ſenſe, all rights, natural as well as civil, ariſe from expediency. But the moment the moral edifice is reared, its baſis is hid from the eye for ever. The moment theſe maxims, which are founded on an utility that is paramount and perpetual, are embodied and conſecrated, they ceaſe to yield to partial

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and ſubordinate expediency. It then becomes the perfection of virtue to conſider, not whether an action be uſeful, but whether it be right. Mr. Mackintoſh.

The ſame neceſſity for the ſubſtitution of general maxims exiſts in politics as in morals. Theſe preciſe and inflexible principles, which yield neither to the ſeductions of paſſion nor the ſuggeſtion of intereſt, ought to be the guide of public as well as private morals.—Acting according to the natural rights of men, is only another expreſſion for acting according to thoſe *general maxims* of *ſocial morals* which preſcribe what is *right and fit* in human intercourſe. We have proved that the ſocial compact does not alter theſe maxims, or deſtroy theſe rights; and it inconteſtably follows, from the ſame principles which guide all morality, that no expediency can juſtify their infraction.

The inflexibility of general principles is, indeed, perhaps more neceſſary in political morals than in any other claſs of actions. If the conſideration of expediency be admitted, the queſtion recurs, who are to judge of it? They are never the *many*, whoſe intereſt is at ſtake: they cannot judge, and no appeal to them is hazarded. They are the *few*, whoſe intereſt is linked to the perpetuity of oppreſſion and abuſe. Surely that judge ought to be bound down by the ſtricteſt rules, who is undeniably intereſted in the deciſion; and he would ſcarcely be eſteemed a wiſe legiſlator, who ſhould veſt in the next heir to a lunatic a diſcretionary power to judge of his ſanity

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ſanity or derangement. Far more neceſſary then is the obedience to general principles, and the maintenance of natural rights, in politics than in the morality of common life. The moment that the ſlendereſt infraction of theſe rights is permitted for motives of *convenience*, the bulwark of all upright politics is loſt. If a ſmall convenience will juſtify a little infraction, a greater pretended convenience will expiate a bolder violation. The Rubicon is paſt. Tyrants never ſeek in vain for ſophiſts. Pretences are multiplied without difficulty and without end. Nothing, therefore, but an inflexible adherence to the principles of general right can preſerve the purity, conſiſtency, and ſtability of a free ſtate.

We have thus vindicated the firſt theoretical principle of French legiſlation. The doctrine of an abſolute ſurrender of natural rights by civil and ſocial man, has appeared to be deduced from inadequate premiſes; and to conduct to abſurd concluſions, to ſanctify the moſt atrocious deſpotiſm, to outrage the moſt avowed convictions of men, and finally to be abandoned, as hopeleſsly untenable by its author. The exiſtence and perfection of theſe rights being proved, the firſt duty of lawgivers and magiſtrates is to aſſert and protect them. Moſt wiſely and auſpiciouſly then did France commence her regenerating labours with a ſolemn declaration of theſe ſacred, inalienable, and impreſcriptible rights—a declaration which muſt

)e to the citizen the monitor of his duties, Mr. Mackintoſh.
l as the oracle of his rights; by a per-
recurrence to which the deviations of the
ate are to be checked, the tendency of
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y and diſpaſſionately eſtimated.

Mr.

Mr. P A I N E.

Rights of Man.

BEFORE any thing can be reaſoned upo a concluſion, certain facts, principles, data, to reaſon from, muſt be eſtabliſhed, admit or denied. Mr. Burke, with his uſual outr abuſes the *declaration of the rights of man*, publi by the national aſſembly of France as the baſi which the conſtitution of France is built. Thi calls " paltry and blurred ſheets of paper abou rights of man."—Does Mr. Burke mean to c that *man* has any rights? If he does, then he mean that there are no ſuch things as rights where, and that he has none himſelf; for wh there in the world but man? But if Mr. B means to admit that man has rights, the que then will be, What are thoſe rights, and how c man by them originally?

The error of thoſe who reaſon by prece drawn from antiquity, reſpecting the rights of is, that they do not go far enough into antiq They do not go the whole way. They ſto ſome of the intermediate ſtages of an hundr a thouſand years, and produce what was then as a rule for the preſent day. This is no auth at all. If we travel ſtill farther into antiquity ſhall find a direct contrary opinion and pr prevailing; and if antiquity is to be author thouſand ſuch authorities may be produced,

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ceſſively contradicting each other: but if we pro- Mr. Paine.
ceed on, we ſhall at laſt come out right; we ſhall come to the time when man came from the hand of his Maker. What was he then? Man. Man was his high and only title, and a higher cannot be given him.——But of titles I ſhall ſpeak hereafter.

We are now got at the origin of man, and at the origin of his rights. As to the manner in which the world has been governed from that day to this, it is no farther any concern of ours than to make a proper uſe of the errors or the improvements which the hiſtory of it preſents. Thoſe who lived a hundred or a thouſand years ago, were then moderns as we are now. They had *their* ancients, and thoſe ancients had others, and we alſo ſhall be ancients in our turn. If the mere name of antiquity is to govern in the affairs of life, the people who are to live an hundred or a thouſand years hence, may as well take us for a precedent, as we make a precedent of thoſe who lived an hundred or a thouſand years ago. The fact is, that portions of antiquity, by proving every thing, eſtabliſh nothing. It is authority againſt authority all the way, till we come to the divine origin of the rights of man at the creation. Here our enquiries find a reſting-place, and our reaſon finds a home. If a diſpute about the rights of man had aroſe at the diſtance of an hundred years from the creation, it is to this ſource of authority they muſt have referred, and

Mr. Paine. and it is to the ſame ſource of authority tha muſt now refer.

Though I mean not to touch upon any ſect principle of religion, yet it may be worth obſer that the genealogy of Chriſt is traced to A Why then not trace the rights of man to the tion of man? I will anſwer the queſtion. Bec there have been an upſtart of governments, th ing themſelves between, and preſumptuouſly w ing to *un-make* man.

If any generation of men ever poſſeſſed the of dictating the mode by which the world ſh be governed for ever, it was the firſt genera that exiſted; and if that generation did not d no ſucceeding generation can ſhew any auth for doing it, nor ſet any up. The illumina and divine principle of the equal rights of (for it has its origin from the Maker of man) lates not only to the living individuals, but to nerations of men ſucceeding each other. E generation is equal in rights to the generat which preceded it, by the ſame rule that e individual is born equal in rights with his cot porary.

Every hiſtory of the creation, and every tr tionary account, whether from the lettered or lettered world, however they may vary in t opinion or belief of certain particulars, all agr eſtabliſhing one point, *the unity of man*; by w I mean that man is all of *one degree*, and co

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quently that all men are born equal, and with equal natural rights, in the ſame manner as if poſterity had been continued by *creation* inſtead of *generation*, the latter being only the mode by which the former is carried forward; and conſequently, every child born into the world muſt be conſidered as deriving its exiſtence from God. The world is as new to him as it was to the firſt man that exiſted, and his natural right in it is of the ſame kind. Mr. Paine.

The Moſaic account of the creation, whether taken as divine authority, or merely hiſtorical, is fully up to this point, *the unity or equality of man.* The expreſſions admit of no controverſy. "And "God ſaid, Let us make man in our own image. "In the image of God created he him; male and "female created he them." The diſtinction of ſexes is pointed out, but no other diſtinction is even implied. If this be not divine authority, it is at leaſt hiſtorical authority, and ſhews that the equality of man, ſo far from being a modern doctrine, is the oldeſt upon record.

It is alſo to be obſerved, that all the religions known in the world are founded, ſo far as they relate to man, on the *unity of man*, as being all of one degree. Whether in heaven or in hell, or in whatever ſtate man may be ſuppoſed to exiſt hereafter, the good and the bad are the only diſtinctions. Nay, even the laws of governments are obliged to ſlide into this principle, by making degrees to conſiſt in crimes, and not in perſons.

It is one of the greateſt of all truths, and of the

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higheſt advantage to cultivate. By conſidering man in this light, and by inſtructing him to conſider himſelf in this light, it places him in a cloſe connection with all his duties, whether to his Creator, or to the creation of which he is a part; and it is only when he forgets his origin, or, to uſe a more faſhionable phraſe, his *birth and family*, that he becomes diſſolute. It is not among the leaſt of the evils of the preſent exiſting governments in all parts of Europe, that man, conſidered as man, is thrown back to a vaſt diſtance from his Maker, and the artificial chaſm filled up by a ſucceſſion of barriers, or a ſort of turnpike gates, through which he has to paſs. I will quote Mr. Burke's catalogue of barriers that he has ſet up between man and his Maker. Putting himſelf in the character of a herald, he ſays—" We fear God—we look with *awe* " to kings—with affection to parliaments—with " duty to magiſtrates—with reverence to prieſts— " and with reſpect to nobility." Mr. Burke has forgot to put in " *chivalry*." He has alſo forgot to put in Peter.

The duty of man is not a wilderneſs of turnpike gates, through which he is to paſs by tickets from one to the other. It is plain and ſimple, and conſiſts but of two points: his duty to God, which every man muſt feel; and with reſpect to his neighbour, to do as he would be done by. If thoſe to whom power is delegated do well, they will be reſpected; if not, they will be deſpiſed: and with regard to thoſe to whom no power is delegated, but

but who aſſume it, the rational world can know nothing of them. Mr. Paine.

Hitherto we have ſpoken only (and that but in part) of the natural rights of man. We have now to conſider the civil rights of man, and to ſhew how the one originates out of the other. Man did not enter into ſociety to become *worſe* than he was before, nor to have leſs rights than he had before, but to have thoſe rights better ſecured. His natural rights are the foundation of all his civil rights. But in order to purſue this diſtinction with more preciſion, it will be neceſſary to mark the different qualities of natural and civil rights.

A few words will explain this. Natural rights are thoſe which appertain to man in right of his exiſtence. Of this kind are all the intellectual rights, or rights of the mind, and alſo all thoſe rights of acting as an individual for his own comfort and happineſs, which are not injurious to the natural rights of others.——Civil rights are thoſe which appertain to man in right of his being a member of ſociety. Every civil right has for its foundation ſome natural right pre-exiſting in the individual, but to which his individual power is not, in all caſes, ſufficiently competent. Of this kind are all thoſe which relate to ſecurity and protection.

From this ſhort review, it will be eaſy to diſtinguiſh between that claſs of natural rights which man retains after entering into ſociety, and thoſe which he throws into common ſtock as a member of ſociety.

Mr. Paine. The natural rights which he retains, are all thoſe in which the *power* to execute is as perfect in the individual as the right itſelf. Among this claſs, as is before mentioned, are all the intellectual rights, or rights of the mind: conſequently, religion is one of thoſe rights. The natural rights which are not retained, are all thoſe in which, though the right is perfect in the individual, the power to execute them is defective. They anſwer not his purpoſe. A man, by natural right, has a right to judge in his own cauſe; and ſo far as the right of the mind is concerned, he never ſurrenders it: but what availeth it him to judge, if he has not power to redreſs? He therefore depoſits this right in the common ſtock of ſociety, and takes the arm of ſociety, of which he is a part, in preference and in addition to his own. Society *grants* him nothing. Every man is a proprietor in ſociety, and draws on the capital as a matter of right.

From thoſe premiſes two or three certain concluſions will follow.

Firſt, That every civil right grows out of a natural right; or, in other words, is a natural right exchanged.

Secondly, That civil power, properly conſidered as ſuch, is made up of the aggregate of that claſs of the natural rights of man, which becomes defective in the individual in point of power, and anſwers not his purpoſe; but, when collected to a focus, becomes competent to the purpoſe of every one.

Thirdly,

Thirdly, That the power produced from the aggregate of natural rights, imperfect in power in the individual, cannot be applied to invade the natural rights which are retained in the individual, and in which the power to execute is as perfect as the right itſelf. Mr. Paine.

We have now, in a few words, traced man from a natural individual to a member of ſociety, and ſhewn, or endeavoured to ſhew, the quality of the natural rights retained, and of thoſe which are exchanged for civil rights. Let us now apply thoſe principles to governments.

In caſting our eyes over the world, it is extremely eaſy to diſtinguiſh the governments which have ariſen out of ſociety, or out of the ſocial compact, from thoſe which have not: but to place this in a clearer light than what a ſingle glance may afford, it will be proper to take a review of the ſeveral ſources from which governments have ariſen, and on which they have been founded.

They may be all comprehended under three heads. Firſt, ſuperſtition. Secondly, power. Thirdly, the common intereſt of ſociety, and the common rights of man.

The firſt was a government of prieſtcraft, the ſecond of conquerors, and the third of reaſon.

When a ſet of artful men pretended, through the medium of oracles, to hold intercourſe with the Deity, as familiarly as they now march up the backſtairs in European courts, the world was completely under the government of ſuperſtition. The oracles

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were conſulted, and whatever they were made to ſay, became the law; and this ſort of government laſted as long as this ſort of ſuperſtition laſted.

After theſe a race of conquerors aroſe, whoſe government, like that of William the conqueror, was founded in power, and the ſword aſſumed the name of a ſceptre. Governments thus eſtabliſhed, laſt as long as the power to ſupport them laſts; but that they might avail themſelves of every engine in their favour, they united fraud to force, and ſet up an idol which they called *divine right*, and which, in imitation of the pope, who affects to be ſpiritual and temporal, and in contradiction to the founder of the chriſtian religion, twiſted itſelf afterwards into an idol of another ſhape, called *church and ſtate*. The key of St. Peter, and the key of the treaſury, became quartered on one another, and the wondering cheated multitude worſhipped the invention.

When I contemplate the natural dignity of man; when I feel (for Nature has not been kind enough to me to blunt my feelings) for the honour and happineſs of its character, I become irritated at the attempt to govern mankind by force and fraud, as if they were all knaves and fools, and can ſcarcely avoid diſguſt at thoſe who are thus impoſed upon.

It has been thought a conſiderable advance towards eſtabliſhing the principles of freedom, to ſay, that government is a compact between thoſe who govern and thoſe who are governed: but this cannot be true, becauſe it is putting the effect before the

the cauſe; for as man muſt have exiſted before governments exiſted, there neceſſarily was a time when governments did not exiſt, and conſequently there could originally exiſt no governors to form ſuch a compact with. The fact therefore muſt be, that the *individuals themſelves*, each in his own perſonal and ſovereign right, *entered into a compact with each other* to produce a government: and this is the only mode in which governments have a right to ariſe, and the only principle on which they have a right to exiſt. Mr. Paine.

The national aſſembly of France, inſtead of vindictive proclamations, as has been the caſe with other governments, publiſhed a DECLARATION of the RIGHTS of MAN, as the baſis on which the new conſtitution was to be built, and which is here ſubjoined.

DECLARATION OF RIGHTS, &c. &c.

'I. *Men are born and always continue free, and* 'equal in reſpect of their rights. *Civil diſtinctions,* 'therefore, *can be founded only on public utility.*

'II. *The end of all political aſſociations is the pre-* 'ſervation of the natural and impreſcriptible rights 'of man; *and theſe rights are liberty, property, ſe-* 'curity, *and reſiſtance of oppreſſion.*

'III. *The nation is eſſentially the ſource of all ſo-* 'vereignty; *nor can any* INDIVIDUAL, *or* ANY 'BODY OF MEN, *be entitled to any authority which* 'is not expreſsly derived *from it.*

'IV. Political liberty conſiſts in the power of

 'doing

Mr. Paine. 'doing whatever does not injure another. The 'exerciſe of the natural rights of every man, has 'no other limits than thoſe which are neceſſary 'to ſecure to every *other* man the free exerciſe of 'the ſame rights; and theſe limits are determin-'able only by the law.

'V. The law ought to prohibit only actions 'hurtful to ſociety. What is not prohibited by 'the law, ſhould not be hindered; nor ſhould any 'one be compelled to that which the law does not 'require.

'VI. The law is an expreſſion of the will of 'the community. All citizens have a right to 'concur, either perſonally or by their repreſenta-'tives, in its formation. It ſhould be the ſame to 'all, whether it protects or puniſhes; and *all 'being equal in its ſight, are equally eligible to all 'honours, places, and employments, according to their 'different abilities, without any other diſtinction than 'that created by their virtues and talents.*

'VII. No man ſhould be accuſed, arreſted, or 'held in confinement, except in caſes determined 'by the law, and according to the forms which it 'has preſcribed. All who promote, ſolicit, exe-'cute, or cauſe to be executed, arbitrary orders, 'ought to be puniſhed; and every citizen called 'upon or apprehended by virtue of the law, ought 'immediately to obey, and renders himſelf cul-'pable by reſiſtance.

'VIII. The law ought to impoſe no other 'penalties than ſuch as are abſolutely and evi-'dently

'dently neceſſary: and no one ought to be pu- Mr. Paine.
'niſhed, but in virtue of a law promulgated before
'the offence, and legally applied.

'IX. Every man being preſumed innocent till
'he has been convicted, whenever his detention
'becomes indiſpenſable, all rigour to him, more
'than is neceſſary to ſecure his perſon, ought to
'be provided againſt by the law.

'X. No man ought to be moleſted on account
'of his opinions, not even on account of his *reli-*
'gious opinions, provided his avowal of them
'does not diſturb the public order eſtabliſhed by
'the law.

'XI. The unreſtrained communication of
'thoughts and opinions being one of the moſt
'precious rights of man, every citizen may ſpeak,
'write, and publiſh freely, provided he is reſpon-
'ſible for the abuſe of this liberty in caſes deter-
'mined by the law.

'XII. A public force being neceſſary to give
'ſecurity to the rights of men and of citizens, that
'force is inſtituted for the benefit of the commu-
'nity, and not for the particular benefit of the
'perſons with whom it is entruſted.

'XIII. A common contribution being neceſſary
'for the ſupport of the public force, and for de-
'fraying the other expences of government, it
'ought to be divided equally among the members
'of the community, according to their abilities.

'XIV. Every citizen has a right, either by
'himſelf or his repreſentative, to a free voice in

Mr. Paine.

'determining the neceſſity of public contributions,
'the appropriation of them, and their amount,
'mode of aſſeſſment, and duration.

'XV. Every community has a right to demand,
'of all its agents, an account of their conduct.

'XVI. Every community in which a ſeparation
'of powers and a ſecurity of rights are not pro-
'vided for, wants a conſtitution.

'XVII. The right to property being inviolable
'and ſacred, no one ought to be deprived of it,
'except in caſes of evident public neceſſity legally
'aſcertained, and on condition of a previous juſt
'indemnity.'

OBSERVATIONS ON THE DECLARATION OF RIGHTS.

The three firſt articles comprehend, in general terms, the whole of a declaration of rights: all the ſucceeding articles either originate out of them, or follow as elucidations. The 4th, 5th, and 6th define more particularly what is only generally expreſſed in the 1ſt, 2d, and 3d.

The 7th, 8th, 9th, 10th, and 11th articles are declaratory of *principles* upon which laws ſhall be conſtructed conformable to *rights* already declared. But it is queſtioned by ſome very good people in France, as well as in other countries, whether the 10th article ſufficiently guarantees the right it is intended to accord with: beſides which, it takes off from the divine dignity of religion, and weakens its operative force upon the mind,

mind, to make it a ſubject of human laws. It then preſents itſelf to man, like light intercepted by a cloudy medium, in which the ſource of it is obſcured from his ſight, and he ſees nothing to reverence in the duſky ray *. Mr. Paine.

The remaining articles, beginning with the twelfth, are ſubſtantially contained in the principles of the preceding articles; but, in the particular ſituation in which France then was, having to undo what was wrong, as well as to ſet up what was right, it was proper to be more particular than what in another condition of things would be neceſſary.

* There is a ſingle idea, which, if it ſtrikes rightly upon the mind either in a legal or a religious ſenſe, will prevent any man, or any body of men, or any government, from going wrong on the ſubject of religion; which is, that before any human inſtitutions of government were known in the world, there exiſted, if I may ſo expreſs it, a compact between God and man, from the beginning of time; and that as the relation and condition which man in his *individual perſon* ſtands in towards his Maker cannot be changed, or any ways altered by any human laws or human authority, that religious devotion, which is a part of this compact, cannot ſo much as be made a ſubject of human laws; and that all laws muſt conform themſelves to this prior exiſting compact, and not aſſume to make the compact conform to the laws, which, beſides being human, are ſubſequent thereto. The firſt act of man, when he looked around and ſaw himſelf a creature which he did not make, and a world furniſhed for his reception, muſt have been devotion; and devotion muſt ever continue ſacred to every individual man, *as it appears right to him*; and governments do miſchief by interfering.

While

Mr. Paine. While the declaration of rights was before t national aſſembly, ſome of its members remark that if a declaration of rights was publiſhed, ſhould be accompanied by a declaration of duti The obſervation diſcovered a mind that reflecte and it only erred by not reflecting far enou A declaration of rights is, by reciprocity, a d claration of duties alſo. Whatever is my right a man, is alſo the right of another; and it b comes my duty to guarantee as well as to poſſeſ

The three firſt articles are the baſis of liber as well individual as national; nor can any cou try be called free, whoſe government does not ta its beginning from the principles they contai and continue to preſerve them pure; and t whole of the declaration of rights is of more va to the world, and will do more good, than the laws and ſtatutes that have yet been promu gated.

In the declaratory exordium which prefaces t declaration of rights, we ſee the ſolemn and m jeſtic ſpectacle of a nation opening its commiſſio under the auſpices of its Creator, to eſtabliſh government; a ſcene ſo new, and ſo tranſcendent unequalled by any thing in the European wor that the name of a revolution is diminutive of i character, and it riſes into a regeneration of ma What are the preſent governments of Europ but a ſcene of iniquity and oppreſſion? What that of England? Do not its own inhabitan ſay, It is a market where every man has h

pric

, and where corruption is common traffic, Mr. Paine.
: expence of a deluded people? No wonder,
that the French revolution is traduced. Had
fined itſelf merely to the deſtruction of fla-
deſpotiſm, perhaps Mr. Burke and ſome
; had been ſilent. Their cry now is, "It
gone too far:" that is, it has gone too far
iem. It ſtares corruption in the face, and
:nal tribe are all alarmed. Their fear diſ-
; itſelf in their outrage, and they are but
hing the groans of a wounded vice. But
ſuch oppoſition the French revolution, in-
of ſuffering, receives an homage. The more
ſtruck, the more ſparks it will emit; and
:ar is, it will not be ſtruck enough. It has
ng to dread from attacks: Truth has given
eſtabliſhment; and Time will record it with a
as laſting as his own.

SIR

SIR BROOKE BOOTHBY.

Obſervations on he Appeal.&c. and Mr. Paine's Rights of Man.

THE pamphlet entitled "RIGHTS of MAN" propoſes no leſs than to deſtroy every moral and religious, and political eſtabliſhment in the world; and to replace them with a perfect ſyſtem of its own. It is a ſketch of a complete code of deſtruction, of which the following are the great outlines:

That the living cannot be bound by laws made by the dead.

That all men being perfectly equal, every man has an equal right in every thing.

That every man in ſociety retains the right of doing every thing that he is able to do; and acquires the right to call upon the general force to aſſiſt him in doing every thing that he is not able to do.

Bold as our author is, that he may not frighten his game too ſoon, in eſtabliſhing the firſt of theſe principles he uſes Mr. Burke as a ſtalking-horſe.

The author of *The Reflections* had endeavoured to ſupport the unconſtitutional doctrine of the *indefeaſible* right of ſucceſſion to the crown, by the force of certain technical terms of courſe uſed in the ſettlement of the preſent legal eſtabliſhment—*moſt humbly and faithfully ſubmit themſelves, their heirs, and poſterities for ever*—and this error is ſeized upon with great avidity by our *anarchiſt* as a pre-

text, poor as it is, for introducing his firſt attack upon laws in general. But it is obvious that *The Reflections* could only mean to aſſert (though falſely not abſurdly), that ſuch *being* the conſtitution eſtabliſhed by law, ſuch it muſt conſequently remain at this day, and as long as the conſtitution exiſts, unleſs the law by which it is ordained ſhall be repealed or altered by the legiſlature. In this ſenſe and no other can the gentleman be underſtood to conſider this declaration, or the ſtatute enacted upon it, becauſe he expreſsly recogniſes the *rights of the legiſlature to regulate the ſucceſſion*; and *the power of the nation at all times wholly to aboliſh the monarchy and every other part of the conſtitution.* All the nonſenſe, therefore, which this writer chooſes to combat for nine pages together, as ſuppoſing the gentleman to have maintained the grand abſurdity, that any legiſlature can make laws which no ſubſequent legiſlature can alter or repeal, is perfectly gratuitous; and what is more, Mr. Paine knows that it is; but under the cloak of this ſuppoſed error, he wiſhes to ſmuggle in this part of his ſyſtem of deſtruction without alarming tender conſciences too much by preſenting it point blank and at once. The following poſitions, ſubverſive of all law, are therefore introduced, not directly, but obliquely, as if in anſwer to a pretended abſurdity *.

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1. *Every*

* If after all it ſhould be poſſible that Mr. Paine could really conceive the author of The Reflections to mean that any body of men ever did or could make a law incapable of being altered

or

Sir Brooke Boothby.

1. *Every age and generation muſt be as free to act* for itſelf in* ALL CASES, *as the generation which preceded it.*

Which is to ſay in other words, that the preſent generation is not bound by any law or eſtabliſhment made by any preceding generation; becauſe if we were bound to any obedience to theſe laws it would be abſurd to ſay, that we are as free to act *in all caſes* as men were before theſe laws were made.

2. *The parliament or the people of* 1688, *or of any other period, had no more right to diſpoſe of the people of the preſent day, or to bind or controul them in any* SHAPE WHATEVER, *than the parliament or the people of the preſent day have to diſpoſe of or to bind or controul thoſe who are to live a hundred or a thouſand years hence.*

But it is certain that the parliament or the people of the preſent day have not a ſhadow of right to make laws which are to operate a thouſand years hence, or to legiſlate expreſsly for any future generation; becauſe they cannot preclude the right of every generation to make, or repeal, or alter laws; therefore we, the people of the preſent day, are not bound or controlled in any ſhape whatever, by any act of the parliament of 1688, or of any other paſt generation.

or repealed, I beg his pardon for having defended his ſagacity at the expence of his honeſty; and I greatly admire his humility in condeſcending to anſwer ſuch perfect folly.

* Not to *legiſlate*, obſerve, but to *act*.

3. *When*

). *When man ceaſes to exiſt, his power ceaſes with* Sir Brooke Boothby.
. *He has no longer any authority in directing who l govern, or how government ſhall be organized or adminiſtered.*

ut if all laws and eſtabliſhments loſe their au-
ity as ſoon as the makers of them ceaſe to exiſt,
nan is at this day bound by any moral obli-
on to obey any law made by his fathers, but
diſobey and reſiſt them all as far as he is able.
fter having thus relieved our minds from all
al obligation of obedience to the laws and in-
tions of our forefathers, the pious author pro-
s to eſtabliſh another fundamental principle of
yſtem of deſtruction; and labours it with ear-
neſs proportioned to its conſequence and ex-

And this is "the *illuminating and divine inciple of the equality of man*;" not that equality
ie ſight of the law ſpoken of in the French de-
tion of rights, but abſolute poſitive equality,
ved immediately from God, in the *ſame man-
s if poſterity had been continued by creation in-
of generation*;—from which it follows as a ne-
ry conſequence, that ſociety cannot give, or
man poſſeſs any right to appropriate to his own
any part of the common benefits of nature,
e than his neceſſities immediately require, ſo
exclude from them any other men, who have
n equal right with himſelf.

lere then is the foundation laid for the great
k of *regeneration!*—Here is the rejection of the
ld law" to make way for the new teſtament of
Thomas

Sir Brooke Boothby.

Thomas Paine! And when he has proceeded to eſtabliſh, as he ſhortly afterwards does, *that we have no conſtitution*, it is impoſſible to be more free than we are to engage with any projector who will undertake to make us a government upon the beſt and cheapeſt terms. And here again Thomas is ready with his propoſals. He offers not only to pull down and clear away the rubbiſh, but to rebuild all of the beſt materials, and at the loweſt price and upon an entire new plan of his own invention and here it is.

1. *Man did not enter into ſociety to have few rights than he had before. Every civil right has for its foundation ſome natural right pre-exiſting in the individual, but to the enjoyment of which his individual power is not in all caſes ſufficiently competent. Every civil right is a natural right exchanged.*

From whence it follows, that man does not enter into ſociety that his natural appetites and paſſions ſhould be reſtrained, but that he may *take the aid of ſociety in addition to his own, whenever his own for their enjoyment are defective in the individual.*

2. *The natural rights which he retains, are thoſe in which the power to execute is as perfect in the individual as the right itſelf.*

But it has been already demonſtrated, that, according to the "divine principle of the equal "rights of man," no man can have a right to poſſeſs any thing to the excluſion of others, and that every man has a right by his own force, and the aſſiſtance of ſociety, if neceſſary, to reſiſt ſuch exclu-

luſion; and the enjoyment of a beautiful female, Sir Brooke Boothby.
r any other of the goods of fortune, being among
ieſe natural rights in which the power to execute
as perfect as the right itſelf, it follows that thoſe
ts which have been hitherto injuriouſly diſtin-
iiſhed and unjuſtly puniſhed under the names of
pe, and robbery, and burglary, and aſſaſſination,
e in reality no more than civil *rights founded on*
tural rights pre-exiſting in the individual; rights
hich the power produced from the aggregate of na-
ral rights imperfect in power in the individual (or
plainer terms the power of the ſtate) *cannot be*
plied to invade.

After having taken this ſhort view of the direct,
iin doctrines, let us examine the ſophiſms by
iich they are collaterally ſupported.

Mr. Burke has, it ſeems, ſaid, "that the people of England will reſiſt the practical aſſertion of certain rights with their lives and fortunes." pon which Thomas obſerves, "That men ſhould take up arms, and ſpend their lives and fortunes, not to maintain their rights, but to maintain that they have *not* rights, is an entirely new ſpecies of diſcovery, and ſuited to the paradoxical genius of Mr. Burke." Now, I would aſk this excel-
it logician what is to be underſtood by the *prac-al aſſertion* of the rights "to chooſe new gover-nors, to caſhier the old ones, and to frame a new government," but the riſing up in force for :ſe purpoſes? and what there is "ſtrange," or marvellous," or "paradoxical," in ſuppoſing

Sir Brooke Boothby.

that thoſe who approve the preſent government and the preſent governors will reſiſt theſe changes, and defend the preſent eſtabliſhment with their lives and fortunes? But Thomas ſaw confuſedly a ſort of antitheſis between *rights* and *not rights*, and with the moſt ſelf-ſatisfied air of ſuperiority produces this miſerable ſophiſm, which a ſchoolboy of ten years old would be able to detect.

Page 12, he ſays, "*The laws of every country "muſt be analogous to ſome common principle*"—This, as I do not underſtand, I cannot deny—"*In England, "no parent or maſter, nor all the authority of parlia- "ment, can bind or control the perſonal freedom even "of an individual beyond the age of twenty-one years.*" No? What are ſoldiers, and ſailors, and hired ſervants, and articled clerks, journeymen, &c.? Is not their perſonal freedom bound and controlled by their officers and maſters under the authority of parliament?

On what ground of right then could the parliament of 1688 *bind poſterity?* This ſyllogiſm, with its unintelligible major, its falſe minor, and its conſequence bearing but a ſlight analogy to the premiſes, is, I think, a perfect model of impertinent logic.

Page 17, we are preſented with a maxim *à la Fayette* introduced with great pomp and ſolemnity—*For a nation to love liberty, it is ſufficient that ſhe knows it, and to be free, it is ſufficient that ſhe wills it.* In the firſt of theſe aphoriſms, whether the modern Lycurgus means to ſpeak of a practical or a theoretical acquaintance with civil liberty; whether

whether of a love created by the habitual experience of its excellence, or by the attraction of its abſtract beauty; of American or French liberty; we are left to diſcover. If he had ſaid that a government reſting on laws, by which perſonal liberty and property are equally ſecured to all, and which no man has the power to diſpenſe with or control, is the beſt foundation for national happineſs, he would have repeated an intelligible truth, confirmed by the experience and conſent of ages. But this could not have been reduced to the quinteſſence of a philoſophical maxim, nor have hitched into the antitheſis which follows—*and to be free, it is ſufficient that ſhe wills it.* Nothing can be more vague than the ſenſe of abſtract terms when uſed by confuſed minds. Suppoſing the adverſe intereſts and paſſions of men to be united in one volition, a ſuppoſition not very eaſy to make, civil liberty is an extremely complicated idea, and men muſt differ from each other widely in their conception of it. National freedom depends upon the action and reaction of a thouſand ſprings. It is not only the reſult of great wiſdom, but of great good fortune; it muſt be the work of time and experience, and ſupported by a combination of circumſtances, which, from the few free ſtates recorded in the annals of mankind, we muſt ſuppoſe to be extremely rare. The Americo-gallic commander might juſt as well have ſaid, that "for a nation to be wiſe, it is ſufficient that ſhe wills it," as that the mere will to be free will give a free government. For the reſt,

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Sir Brooke Boothby.

Mr. Paine obſerves very truly, that " theſe " ſentences do not finiſh like Mr. Burke's periods, " with muſic in the ear, and nothing in the heart," for they are as unmuſical as they are abſurd.

Page 35, he ridicules Mr. B. for " building a " tragic ſcene" upon " carrying the heads upon " ſpikes about Paris," and conſiders *The Reflections* as " a greater outrage" than the aſſaſſination's; and then juſtifies theſe barbarities by the example of the heads upon Temple-bar! Page 37 and 38, he contends that " this diſpoſition to cruelty is owing " to the diſtinctions of ſociety."—" A vaſt maſs of " mankind," he ſays, " are degradedly thrown " into the back ground of the human picture, to " bring forward with greater glare the puppet-ſhow " of ſtate and ariſtocracy."—I wiſh he had told us how theſe diſtinctions in ſociety ariſe: in ſuch an inveſtigation, he muſt ſoon have been reduced ultimately to refer them all to the unequal diſtribution of riches. It is relative *poverty*, occaſioned by luxury and commerce, by which men are thrown into the ſhade of the picture; and riches, and luxuries, and arts, that glare in the front.

Pages 47, 48, &c. he aſks, " Does Mr. Burke " mean to deny that man has any rights? If he " does, he muſt mean that there are no ſuch things " as any rights any where, and that he has none " himſelf; for what is there in the world but man?" The ſophiſtry of this queſtion and the reſt of the paſſage depends upon the looſe and indefinite uſage of the words *man* and *rights*. In a pure ſtate of nature,

nature, ſuppoſed previous to the formation of ſociety, the rights of every individual muſt have been co-equal with his natural powers, and capacities, and wants; like the rights of the carnivorous to devour the frugivorous animals, and theirs to conſume the vegetable world; rights proved by their teeth and claws, and the conformation of their ſtomachs; and after the formation of ſocieties, his rights are determined and aſcertained by the laws and inſtitutions of the ſociety in which he is born; and theſe ſocial rights, being all relative rights, muſt always be liable to vary with the circumſtances, and cannot, therefore, be reduced to any poſitive or immutable principles. As to the author of *The Reflections*, he might, and probably would anſwer for himſelf, that he is ſatisfied with the civil rights which are ſecured to him by the laws of the ſociety to which he belongs. Sir Brooke Boothby.

This great political luminary, riſing like the ſun upon the darkneſs of paſt ages, has not only diſcovered and laid open the eternal principles of legiſlation, but "*an eternal ſource of authority to* "*which we may refer*," and this is—ADAM—*We are now arrived at the origin of man and the origin of his rights.*—Oh rare!—*Here our enquiries find a reſting-place, and our reaſon finds a home.*—The reaſon of a Plato, or a Monteſquieu, or a Locke, or a Bayle, would have felt itſelf, I believe, but ill lodged.—*The unity of man in the creation is the divine origin of the rights of man.*—To be ſure, when

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there was but one man, there could be no inequality of perſons.—*The genealogy of Chriſt is traced to Adam, why not then trace the rights of man to the creation of man?* Now what, in the name of common ſenſe, is there in common between the genealogy of Chriſt and the rights of man? But to talk to him in his own cant; how does he reconcile the preference given by God to one people over all others, to this illuminating *divine* principle of the equal rights of man?—What does he ſay to the promiſe of the Lord to Rebecca, "that two nations ſhould ſpring from her womb, one of which "ſhould ſerve the other?" or to the ſale of the right of primogeniture under the divine ſanction? or to the prophetic bleſſings of the patriarchs: "Let "people ſerve thee, and nations bow down to "thee; be lord over thy brethren, and let thy "mother's ſons bow down to thee"—or to the difference made between the deſcendants of Ham, &c.—How the Lord came to ſuffer the world to remain ſo long in ignorance of this *unity of man in the creation*, which he had deſtined from the beginning to be the ſource of their natural and civil right, as well as of their moral duties?—How it has happened, that ſince the exiſtence of ſociety this principle has never once, that we know of, been applied to the purpoſe for which it was ordained? and finally, Why the Lord has hid this *greateſt and moſt advantageous truth* from all his patriarchs, and prophets, and inſpired writers of the old

old world, to reveal it in this latter day to an American ex-ſecretary?—When he has anſwered theſe queſtions, I have many more to aſk *. Sir Brooke Boothby.

"If," he ſays, "any generation of men ever "poſſeſſed the right of dictating the mode by "which the world ſhould be governed for ever, it "was the firſt generation that exiſted." But neither the firſt generation or any generation ſince, that we have heard of, ever aſſerted any ſuch ſenſeleſs claim. Men in ſociety are governed by *moral* ne-

* Sir Robert Filmer makes uſe of the very ſame argument from ſcripture, which Mr. Paine brings to prove the rights of man to equality, and almoſt in the ſame words, exactly for the contrary purpoſe; the unity of man in the creation is the ground he takes to eſtabliſh the divine rights of kings, and the reſt of his execrable ſyſtem of civil ſlavery.—"I cannot (he ſays) but "reverence that form of government which was allowed and "made uſe of for God's own people.—It were impiety to "think that God would not furniſh them with the beſt form of "government. It is a ſhame for us chriſtians to ſeek the origin "of government from the inventions or pictures of poets, ora-"tors, philoſophers, and heathen hiſtorians, *who all lived thou-"ſands of years after the creation, and were in a manner ignorant "of it*, and to neglect the ſcriptures, which have with more "authority moſt particularly given us the true ground and "principles of government."

Preface to "The Anarchy of a Limited or Mixed Monarchy."

"Natural freedom (he ſays) cannot be ſuppoſed, without the "denial of the creation of Adam. It is not poſſible for the will "of man to ſearch out the firſt grounds or principles of govern-"ment, except he knew that, at the creation, one man alone was "made to whom the dominion of all was given."

Obſervations touching Forms of Government.

So doctors differ, and ſo are the people duped!

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ceſſity, as in a ſtate of nature they are governed by *phyſical* neceſſity. Governments are formed or changed according to circumſtances and relations for ever fluctuating. Men are bound under the ſtricteſt moral obligation to ſubmit to the government under which they live, as long as they enjoy the benefit of it; or as long as it retains the power of enforcing obedience. No two governments ever have been or ever can be exactly alike, nor can any government remain long exactly in the ſame poſition. Political bodies have their birth, their infancy, their youth, their manhood, their old age, and their diſſolution, like natural bodies; and are like them ſubject to accident and diſeaſe. They are in all degrees of better and worſe, and very rarely in the extreme of good or bad. The changing of any mode or ſyſtem of regulation under which a ſociety actually exiſt, muſt (as the author of *The Reflections* well ſays, when generally applied) "always be a queſtion of diſpoſitions, and of "means and probable conſequences, rather than of "poſitive rights."

Dr. Price had ſaid, that "under the conſtitu-"tion declared at the revolution the people of "England acquired *a right to frame a government* "*for themſelves*;" for the two other poſitions, *to chooſe their own governors, and to caſhier them for miſconduct*, are included in this. This Mr. Paine denies; and it is not for me to reconcile theſe great authorities. In my humble opinion, though they differ with each other, they are both miſtaken: Mr. Paine,

Paine, in ſuppoſing that " the parliament of 1688 Sir Brooke Boothby.
' ſet up or aſſumed any rights of controlling poſte-
' rity to the end of time," p. 10, 11; and the
octor, in not perceiving that the right theymain-
ined was the right to *preſerve*, and not the right
deſtroy; the right to withdraw their allegiance
om the king, to prevent the diſſolution of the
nſtitution; not the right to diſſolve the conſtitu-
n themſelves.

Page 51, Thomas complains of " the vaſt diſ-
tance to which man, conſidered as man, is thrown
back from his Maker by the preſent exiſting go-
vernments in all parts of Europe;" and ridi-
les, with his wonted happy vein, " the turnpike
gates ſet up by Mr. Burke between man and his
Maker." Unluckily, however, theſe turnpike
ites are not at all of this gentleman's ſetting up,
it were all erected long ago by men who, as we
ive been taught to believe, were immediately in-
ired by God himſelf.

Mr. *Paine*, p. 51—" I will quote Mr. Burke's
catalogue of barriers that he has ſet up between
man and his Maker. Putting himſelf in the
character of a herald, he ſays, *We fear God—
we look with awe to kings—with affection to par-
liaments—with duty to magiſtrates—with reverence
to prieſts—and with reſpect to nobility*—Mr. Burke
has forgotten to put in chivalry—he has forgot-
ten to put in Peter."

St. Peter ſays—" Submit yourſelves to every or-
dinance of man, for the Lord's ſake—whether it

" be

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" be to the king as ſupreme, or unto governors, as " unto them that are ſent by him.—Honour all " men—love the brotherhood—fear God—honour " the king.—Servants, be ſubject to your maſters." *St. Paul* ſays—" Let every ſoul be ſubject to the " higher powers. They that reſiſt ſhall receive to " themſelves damnation—render, therefore, to all " their dues—tribute to whom tribute is due— " cuſtom to whom cuſtom—honour to whom ho- " nour."—It ſeems to be Thomas, and not Mr. Burke, that has " forgotten Peter."

" The duty of man," he adds, " is not a wilder- " neſs of turnpike gates, through which he is to " paſs by tickets from one to another." How *duty* can be a *wilderneſs of gates*, I certainly am not prepared to ſhew; but if the author, by this figure, means to deſcribe the moral affections and obligations as independent of and unconnected with each other, his ethics are in my opinion as falſe as his politics. The moral as well as the political conſtitution is held together by gradations and dependencies, formed out of their relative and reciprocal nature. Theſe are the ſoft ties of human ſociety. Abſtract duties exiſt in the hollow brains of philoſophers, but not in the practical offices of life. Our ſubordinations and mutual dependencies are the ſources of a thouſand of the tendereſt and moſt endearing virtues, and miniſter to the heart in a thouſand lovely forms. If the perfect moral and natural equality and independency of man could be eſtabliſhed, this inſulated monk, without the

power and conſequently without the benevolence of a god, and without the natural affections of a man, would be the moſt deteſtable as well as the moſt miſerable of all beings. Sir Brooke Boothby.

Till the reader is warned by repeated diſappointments, his expectation is conſtantly excited by ſome pompous unproductive prelude. Page 56, he ſays, "To poſſeſs ourſelves of a clear idea of "what government is or ought to be, we muſt "trace it to its origin." Should not one ſuppoſe from this opening, that he was going to give us an analyſis of civil ſociety in its ſource and progreſs? Inſtead of this, he contents himſelf with aſſerting, *ſuo periculo*, "that in doing this" (which he leaves us to do for ourſelves) "we ſhall eaſily diſcover "that all governments muſt have ariſen either *out* "*of* the people or *over* the people;" in which he does nothing more than confound a mode of exiſtence common to all poſſible governments, good and baſe, viz. that of being over the people, with the cauſe and origin of governments; and this he calls "poſſeſſing ourſelves of a clear idea of what "government is and ought to be."

With the ſame acuteneſs and preciſion he propoſes "to define what is meaned by a conſtitu-"tion;" and then, inſtead of any thing like a definition, he gives a vague deſcription of the particular kind of conſtitution which he deſires to recommend. But this paſſage deſerves to be examined. It is one of the moſt curious in the whole work.

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Page 56. " *A conſtitution is not a thing in name* " *only, but in fact.*"—That is, a thing is a thing—*it has not an ideal but a real exiſtence; and wherever it cannot be produced in a* VISIBLE FORM, *there is none at all.* What, does its exiſtence depend merely upon its being written down?—*A conſtitution is a thing antecedent to government, and a government is only the creature of a conſtitution.*—Now all this, ſo far from amounting to a definition of the ſubject, I think only ſhews that our author either does not or will not underſtand the etymology or ſignification of the term he pretends to define. A conſtitution, as the word implies, means any thing conſtituted of parts, making a whole; as we ſay the conſtitution of a borough, or the conſtitution of a horſe. When applied particularly to government, it means the aggregate of the laws and inſtitutions and eſtabliſhments, whether they have ever been collected in a written code or not, by which the country or nation referred to is governed; and it may be good or bad in every poſſible proportion and degree; and as the conſtituent parts muſt exiſt before the body which they conſtitute, ſuch a conſtitution cannot " be antecedent to" the conſtitutions, and laws, and regulations, of which it is compoſed.

" *The conſtitution of a country is not the act of its* " *government, but of the people conſtituting a govern-* " *ment*"—But to be " *a country*" or " *people*" beſpeaks ſome ſort of conſtitution, good or bad, already exiſting; and conſtitutions have neither been a ſingle *act of the government* nor of *the people conſtituting*

ating a government; but have been, like all other human inſtitutions, ſubject to change and alteration by circumſtances and neceſſities, and chance in progreſſive time;—becauſe, as this ſame author wiſely, though inconſiſtently, obſerves in another place (p. 16), "the circumſtances of the world "are continually changing, and the opinions of "men change alſo; and that which may be "thought right and found convenient in one age, "may be thought wrong and found inconvenient "in another."—"*It is the body of elements to which "you may refer, and quote article by article.*" You may call the laws and conſtitutions of any ſociety the *elements of their conſtitution*, if you pleaſe; and they may and *will be referred to and quoted article by article* as often as is neceſſary—*and which contains the principles on which the government ſhall be eſtabliſhed*, &c.—*in fine, every thing that relates to the complete organization of a civil government, and the principles on which it ſhall act and by which it ſhall be bound.* Here this writer preſcribes a new and untried mode of conſtituting a government *a priori*, by firſt inventing an archetype or abſtract ideal form, and then bending and forcing all circumſtances, lopping the long and ſtretching the ſhort, to fit this perfect model and meaſure of excellence; and then inſiſts on appropriating the generic term of conſtitution excluſively to this particular ſpecies; and becauſe our conſtitution has grown out of our laws, and not our laws out of our conſtitution, he very impudently tells us that *we have no conſtitution*

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at all. To confirm ſelf-evident truths by proofs [illegible] not eaſy, they can only be ſtrengthened by a [illegible] ference to ſome other ſelf-evident truths of equ[illegible] force. Deſcartes ſays, "I think, therefore I am." England is governed by known and eſtabliſhed law, therefore it has a conſtitution. An illuſtration is not an argument; but where the analogy is ſtrong, it is almoſt as forcible. Would any man think of contending that we have no *language*, becauſe our language was not originally framed according to certain rules of abſtract or univerſal grammar; or ſeriouſly adviſe us to burn all our books, and begin the world again with a new "re-"generated" language, becauſe the Engliſh tongue contains many idioms and anomalies not reducible to theſe rules? "Grammar," would he ſay, "is "a thing antecedent to language, and language is "only the creature of grammar?" "If the gram-"mar upon which the language was formed can-"not be produced, no ſuch thing as a language "exiſts, or ever did exiſt; we have yet a language "to form?" Certainly to deny the exiſtence of Weſtminſter-abbey, becauſe it is not conſtituted according to any of the five orders deſcribed by Vitruvius, would be juſt as reaſonable.

Rules for action muſt be drawn from practice and experiment, and not from the dreams of metaphyſicians. As well might an excellent drama be formed out of the mere unities of Ariſtotle, as a good government out of the mere equal rights of man. As eaſily can we ceaſe to have our feelings awakened,

awakened, and our hearts improved by the works of our divine Shakeſpeare, becauſe he was ignorant or careleſs of theſe laws, as we ſhall be perſuaded to ſacrifice the native beauties of our conſtitution, becauſe they are not deducible from certain uſeleſs and impracticable abſtract rules. As ſoon ſhall we employ Thomas Paine to new model Othello and Macbeth to the metaphyſical laws of the French drama, as to new model our government to the metaphyſical laws of the French conſtitution. Such legiſlation puts us in mind of the philoſophical tailor of Laputa, who, to make a ſuit of clothes, only took meaſure of the thumb. Sir Brooke Boothby.

Page 57, Mr. Paine ſays in continuation, "*Mr. "Burke will not, I preſume, deny the poſition I have "already advanced, namely, that governments ariſe "either out of the people or over the people.*"—Mr. Burke will probably neither deny or affirm this poſition, becauſe he will perceive that it is nonſenſe: for government muſt always be *over* the people governed, whatever be its mode or its orign, whether it ariſe out of conqueſt or out of common conſent. And he concludes with preaching to us in a figure borrowed from one of the darkeſt myſteries of our faith, the ſaving doctrine of the new birth as neceſſary to political as well as religious ſalvation.—*The country has never* REGENERATED *itſelf, and is* THEREFORE *without a conſtitution**. So that the

* To endeavour to prove that a thing does not exiſt, becauſe has not undergone a change, which implies the neceſſity of previous

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the conſtitution which Monteſquieu cites as above all others *directly tending to political liberty, and eſtabliſhing liberty by its laws*, and of which he gives an accurate analyſis, Thomas Paine aſſures us *neither does exiſt or ever did exiſt, and is ſtill to form.*—It is true, indeed, that Thomas is not a Monteſquieu.

Page 58, " he perceives" that " Mr. Burke " could not perceive that there was any ſuch thing " as a conſtitution," becauſe " he has not ex- " plained what it is in the work he then publiſhed." To argue that a thing does not exiſt, or that a man does not believe that it exiſts, becauſe he has not written a book upon it, does not ſeem perfectly ſatisfactory. If ever this eloquent and learned writer ſhould publiſh a diſſertation on the Britiſh conſtitution, though it may perhaps be tinctured with ſome prejudices in favour of the monarchical branch, it will not fail to contain much excellent elucidation of the ſubject. In the mean time, let thoſe who are ignorant and deſire to be informed what the Engliſh conſtitution is, look into the ſixth chapter of the eleventh book of the *Spirit of Laws*— " There is a nation in the world," ſays the illuſtrious author, " the direct object of whoſe con- " ſtitution is political liberty. Let us examine the " principles upon which it is founded."—And after giving a beautiful analyſis of the Engliſh conſtitution, he adds, " Whether the Engliſh actually " enjoy this liberty or not, it is not for me to de-

vious exiſtence, is too groſs a contradiction to have eſcaped a mind endowed with common logical powers.

" termine;

" termine; it is ſufficient for me to ſay, that IT " IS ESTABLISHED BY THEIR LAWS, and I ſeek " no farther." The firſt and great feature of the Engliſh conſtitution is, that it is a *government by law*, by which all men are equally bound, and which no perſon whatſoever has any right or power to alter, or ſuſpend, or diſpenſe with; that the perſon and property of the pooreſt peaſant are as ſecure from wrong and violence in his humble cottage, " where the wind and rain may beat in, but the " king himſelf dares not enter," as the prince in his palace; that every one may freely do whatever is not forbidden expreſsly by the law. This is *the juſtice* of the conſtitution. Its *wiſdom* conſiſts in having made it the intereſt of thoſe oppoſite and contending principles, neceſſarily ariſing from inequality of poſſeſſions, which naturally tend and are uſually employed to diſturb and overturn government, to unite to maintain and preſerve it. Wherever the poorer ſort have it in their power to ſell their liberties, they will be liable to be bought by the rich, and the government will be in conſtant danger of falling under the worſt ſort of ariſtocracy; but by having *incorporated* ariſtocracy in a houſe of lords, with fixed and limited powers, they have given them an intereſt to maintain the mixed conſtitution ſuch as it is, againſt a democracy on the one hand and an arbitrary monarchy on the other; and the people, having no ſhare in the government except by a limited number of repreſentatives, are reſtrained from ſelling the *fee ſimple* of

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their liberties as the Romans did to Julius or Auguſtus; and the king, having conſtitutional rights and powers coequal with and independent of both, is a check upon both.

The author of the *Reflections*, to ſignify that the crown of England is not elective, has expreſſed himſelf as if the king did or might *deſpiſe* the opinion of the people; and this invidious expreſſion gives occaſion to our author to vomit forth a monſtrous collection of indigeſted crudities. Not to be outdone in *contempt* for the opinions of the people, he begins by very contemptuouſly aſſuring us, that "as to who is king in England or elſewhere, or "whether there is any king at all, or whether the "people chooſe a Cherokee chief or a Heſſian huſ"ſar for a king, is not a matter that he troubles "himſelf about*:" and then he takes fourteen pages (from 129 to 142) to prove this ſingle poſition—*That every hereditary eſtabliſhment muſt be unjuſt, becauſe laws made by one generation* CANNOT BIND ANY FUTURE GENERATION.

To have ſhewn that this principle is abſolutely ſubverſive of all laws and inſtitutions and governments in the world is, I am well aware, ſo far from an anſwer to this *eſtabliſher of ſubverſion*, it is exactly what his ſyſtem of deſtruction ſeems to prove; but

* This ſeems to be imitated from a piece of wit, publiſhed ſome years ago in *The World*, entitled the *Unbeliever's Creed*, in which this is one of the articles—"I believe that matter is God, "and that God is matter, and that it is no matter whether "there is any God or not."

ſurely

ſurely all perſons of competent underſtanding, who are neither wicked nor inſane, muſt perceive the extreme fallacy and confuſion of this deteſtable nonſenſe. They muſt have ſeen that every law once eſtabliſhed, and the law of the hereditary ſucceſſion to the crown amongſt the reſt, neceſſarily remains in force till repealed by the legiſlature, or reſiſted by the whole nation; and even the author of the *Reflections* himſelf has not diſputed, but allowed the full and complete right and power of the legiſlature to repeal, or the nation to reſiſt. The hereditary ſucceſſion to the crown has been hitherto conſidered as liable to fewer objections than any other mode, and does and will remain eſtabliſhed, till altered by the power of the legiſlature or the force of the nation, exactly in the ſame manner with every other law and inſtitution whatever. The logic our author employs on this occaſion is worthy of his object. The *Reflections* ſtate, that the crown not being elective, the members of a certain revolution club conſequently can have no vote either collectively or individually in the election. But ſays Thomas (page 130), "the revo- "lution ſociety is compoſed of citizens of all deno- "minations, and of members of both houſes of par- "liament; and conſequently if there is not a right "to a vote (a vote where and how?) in any of theſe "characters, there can be no right to any either in "the nation or its parliament." As if their having no vote individually and out of parliament, or col-

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lectively as a club, in a caſe where it is eſtabliſhed that there ſhall be no election, precluded their right in their legiſlative capacities to alter that very eſtabliſhment, or any other, whenever they ſhall ſee good cauſe for ſo doing! "And this," adds Thomas, "ought to be a caution to every coun-"try how it imports foreign families to be kings;" which implies, if it implies any thing, that the preſervation of the hereditary ſucceſſion was the conſequence, and not the cauſe of the legal eſtabliſhment of the preſent royal family!

To prove that "a whole nation may change "its government when it pleaſes," there was no neceſſity for producing the high authority of lord Shelburne; for as neither the ex-miniſter nor the ex-ſecretary will probably contend that this right is to be made uſe of without expediency, the right or power (which is here the ſame) cannot be denied; and it only remains for theſe great men to prove the wiſdom and expediency of preſently exerciſing it.

In anſwer to an obſervation in the *Reflections*, that an hereditary crown preſerves our hereditary liberties, "*who*," ſays Thomas, "*is to take them away?*" Ambitious chiefs of the ſenate, or leaders of the army, or furious demagogues at the head of a licentious populace.—"*What ſervice does the crown per-*"*form—what is its buſineſs—and what are its* "*merits?*"—Its ſervices are, to preſerve us from being devoured by theſe beaſts of prey; its buſineſs,

to

to exerciſe defined and limited powers committed to it for this purpoſe; and its merits, the being perfectly well adapted to the end of its inſtitution. Sir Brooke Boothby.

Hereditary eſtabliſhments, wherever they are admiſſible, have the ineſtimable advantage of hereditary reſpect. Authority founded on opinion is of all others the moſt light and gentle. The kind of filial regard which the example of our fathers and our own early impreſſions have taught us to feel for our hereditary inſtitutions, connects civil and political obedience with the moral and ſocial duties; and ſociety comes to reſemble an affectionate and well-regulated family. Great indeed and incurable muſt the evil be to diſſolve all the moral ties by which ſociety is held together; to authoriſe every order and deſcription of men to renounce, like the prodigal ſon, the paternal protection of the ſtate, and to ſay to it, "Father, give "me the portion of goods that falls to me."

The author evinces ſome dexterity in introducing his nonſenſe, by way of reply to ſome other ſuppoſed nonſenſe if poſſible greater than his own. No perſon of common ſenſe has certainly ever maintained that men could bind their poſterity to make no alteration in their laws and inſtitutions; and yet the whole of his reaſoning depends upon the ſuppoſition that this is the received opinion of all the friends to the hereditary monarchy, than which nothing can be more abſurd and untrue.

Hereditary monarchy has been eſtabliſhed becauſe it has been found good; and it is continued,

not merely becauſe it has been eſtabliſhed, but because we ſtill hold the ſame opinion of its utility and excellence with our fathers; and let him if he pleaſes conſider our conſtitution as a *bequeſt* from our anceſtors, this will but add a ſort of reſpectful veneration to our approving reaſon. If A builds a houſe, and bequeaths it to B; B, who finds it good and convenient, will not pull it down becauſe he did not build it himſelf, but will be thankful to be well lodged without trouble or expence.

One of his moſt ſpecious objections to hereditary inſtitutions is, that wiſdom is not hereditary *. With this maſter argument, after having already preſented it in an hundred different ſhapes, our author concludes his attack: "As the exerciſe of "government requires talents and abilities, and "as talents and abilities cannot have hereditary "deſcent, it is evident that hereditary ſucceſſion "requires a belief from man to which his reaſon "cannot ſubſcribe." But this objection is neither confirmed by experience nor by the conſideration of the ſubject. Without agreeing with Helvetius that every man born with his natural organs complete is capable of receiving and combining an equal number of ideas; and that differ-

* When we conſider by whom *elections* are propoſed to be made; how little the maſs of the people are in a condition to appreciate real talents; and how liable to be deceived even by ſuch pretenders as this author; we ſhall be inclined to think wiſdom not more *elective* than it is hereditary.

ence in talents and abilities is therefore wholly owing to education; it muſt be allowed, that to fit a man for any artificial ſituation, the particular knowledge of the art or ſcience he is to exerciſe, which can only be obtained by education, is preferable to any uncultivated power of mind however great; the judgment of the ſimpleſt artiſt in his own art is better than the unexerciſed opinion of genius itſelf. In an hereditary body conſiſting of the richer and better ſort, the *optimates* or *primores*, ſuch as the Britiſh houſe of lords, the beſt education that the country affords is ſure to be given to the riſing expectant members, and a majority of them will be nurtured in principles of honour, if not of virtue. If they are not all men of genius, they are at leaſt all men of liberal education; ſo that, with their common chance for natural endowments, they have the ſuperior advantage of an education preparatory to their future deſtination; as well as the greateſt intereſt in the preſervation of the republic. And the experience of the fact is conformable to this view of the object. No public aſſembly has preſerved a higher character for wiſdom and integrity than the houſe of peers; the judgments of the *Areopagus*, to which it was ſaid the gods might have appealed, were not more juſt and pure than the deciſion of this high court of dernier reſſort. I confeſs I ſhould at this moment entertain a very low opinion of the diſcernment of that perſon, who, having a fair and honourable cauſe, would rather take the national

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tional aſſembly of France for his judges than the Engliſh houſe of peers.

How far the titles and attributes of the king of England are applicable to the theories of philoſophers, we will leave to academicians and *beaux eſprits* to determine. Let them if they pleaſe amuſe themſelves, and us too if they can, with ſpeculative diſtinctions between the king and the ſovereign; let them make the nation the ſovereign, and the king an officer. While his powers and prerogatives are aſcertained and acknowledged, under what names or diſtinctions is perfectly indifferent. The nation may for aught I know be *eſſentially* the ſource *(or fountain if you will)* of *ſovereignty*, and the king be nevertheleſs the fountain of *honour*: in this there is no ſort of contradiction; for it is only to ſuppoſe the king to be a reſervoir ſupplied by the great fountain, and every thing may flow on again in its due courſe to the end of time.

Labitur & labetur in omni volubilis ævo—

For the reſt, the Engliſh have ſeen, what the French may find out too late, that the more they take from the real force of their executive power, the more they ought to clothe him with all the attributes and diſtinctions of perſonal dignity that can create reſpect and veneration; to ſupply the want of coercive powers by the influence of opinion; and they who have in their hands the real power ſhould be the firſt to

ſet

ſet the example. Mr. Paine does not ſee that theſe marks of reverence and ſubmiſſion have been carefully preſerved by our anceſtors as neceſſary ſubſtitutes for the real prerogative which they took away; that when we ſay we do moſt humbly and faithfully ſubmit ourſelves, heirs, and poſterities, for ever, this is the voluntary ſubmiſſion of freemen to an inſtitution which they have judged neceſſary to the preſervation of a rational permanent freedom. When they deprived their kings of the power to do them harm, they very wiſely and ſafely entruſted them with power of doing good, becauſe they conſidered the preſervation of the monarchy as eſſential to the preſervation of that conſtitution which from reaſon and experience they beſt approved. We therefore love and venerate our limited monarch, becauſe we believe that he preſerves us from a ferocious venal democracy, from a cruel haughty ariſtocracy, and from the unlimited tyranny of a deſpot; becauſe we truſt that he is at this moment poſſeſſed of powers to withhold (if it were neceſſary) the hand of the conſtitution from committing the deſperate act of ſuicide recommended in this "Rights of Man;" from ſacrificing our religion laws and morals and cuſtoms and manners upon the altar of I know not what deaf and dumb idol; from looſening ourſelves from every tie of duty, that *we may be ſtained with our own works, and go a whoring with our own inventions.*

Sir Brooke Boothby.

How

Sir Brooke Boothby.

How far the mixture of ariſtocracy in our public ſyſtem "has tended to degenerate the human ſpecies," (another of Thomas's cynical objections) let thoſe lovely forms that grace the Britiſh court declare, in whom the ſplendour of royal or noble birth is eclipſed in the ſuperior luſtre of perſonal charms; whoſe beauty diſdains the aſſiſtance of rank to captivate the beholders.

There have always exiſted in greater or ſmaller degrees two deſcriptions of perſons alike dangerous and unfriendly to the mixed government of England; thoſe who deſire a republican form, and thoſe who wiſh to give the king a controul over the laws; and theſe two parties have at all times been equally oppoſed by the conſtitutional whigs, eſteeming the conſtitution ſuch as it is fully adequate to civil liberty, and the beſt adapted to the genius of the nation; and the attachment of theſe men to the monarchy is ſtrong and uniform, becauſe founded on the opinion of public advantage. As long as the king remains within the limits of the conſtitution, he is ſure of the reſpect and ſupport of theſe men; but they will not go a ſtep farther; for their attachment is adherence to the conſtitutional monarch, and not perſonal devotion to the man. While he is king according to the law, they venerate him as the palladium of their liberties: if he endeavours to become more, they will not only withdraw their reſpect and veneration, but their allegiance alſo; they will, i neceſſary

neceſſary, depoſe the monarch to preſerve the monarchy *. Sir Brooke Boothby.

"Government," ſays Mr. Burke, "is a contri-"vance of human wiſdom." Would any body have conceived this poſition liable to controverſy? But Thomas, with wonderful miſapprehenſion, confounds *government* with the *perſons* exerciſing it —the play with the actors—the ſhip with the pilot—the bellows-blower with the organ—and then triumphs in his own miſtake for three pages together. "Admitting," ſays he, "that govern-"ment is a contrivance of human wiſdom, here-"ditary ſucceſſion can make no part of it, becauſe "it is impoſſible for wiſdom to be hereditary."—But the more wiſdom there is in the *contrivance* of government, the leſs will be neceſſary for carrying it on. Extraordinary art and knowledge may be requiſite to conſtruct an ingenious machine which may be worked by an aſs. "If," he adds, "government be a contrivance of human wiſdom, "was wiſdom at ſo low an ebb in England that "it was become neceſſary to import it from Hol-"land and from Hanover?"—With a man that cannot or will not diſtinguiſh between the *govern-*

* Though Thomas extols the French conſtitution for the purpoſe of deſtroying ours, he diſapproves of both. In the laſt ſummer he publiſhed in the papers a challenge to the abbé Sieyes (the member who drew up the French declaration of rights) written in the moſt violent ſtyle, engaging to prove that the monarchy in France ought to be entirely aboliſhed, &c. To this challenge the abbé made a reply in the ſame papers; to which I have not heard that our author ever rejoined.

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Sir Brooke Boothby.

ment and the *perſon of the king* it is in argue; ſuffice it then to obſerve, that i and not a *government* that was importec the author of the *Reflections* aſſuredly ne to call either William or George a cor human wiſdom.

The ignorance and confuſion with good friend endeavours (p. 70) to adop tion of nobility in France to the uſe of ſuſpect to be in part affected. Though know the meaning of the word *ariſtocr* every dictionary would have told him th fies ſimply (as its original ſenſe imports) *ment of the better ſort*; a word never uſe ſenſe, to expreſs any tyrannical exerciſe of power, before Mr. La Fayette and wives. The Gothic feudal government no more reſembled an *ariſtocracy* than liament of Paris did the Roman ſenat "French", cries Thomas, "ſay there ſ "titles; and of conſequence all that cla "vocal generation which in ſome cc "called ariſtocracy, and in others nobilit "away, and the peer is exalted into the

I have ſaid before, and I again repe the territorial juriſdiction and the privi immunities of the feudal nobility appe wholly inconſiſtent with that *equality in the law* without which there can be no civ or free conſtitution. But what then? It therefore follow, that in great, rich, comm

tenſive empires the *optimates*, *the better ſort*, are to be excluded from a fair determined ſhare in the government, ſuch as their weight and intereſt and conſequence entitle them to expect and demand*, and which their influence at the long run will always enable them to acquire; or that, becauſe a feudal tyranny is to be deſtroyed, a democratical republic is the only government that can be ſubſtituted in its place! Our anceſtors judged more wiſely; they aboliſhed, not violently and at once, but by degrees, the oppreſſive parts of the feudal ſyſtem, and retained the good, for ſome good this ſyſtem with all its faults certainly had. The laws of *honour*†, of ſuch univerſal force, binding kings and diſgracing princes, which derive their exiſtence from this ſyſtem, are a great and valuable acquiſition to ſociety ‡. To ſtate, as our Thomas does, that the actual nobility of England at all reſembles the nobility which has been aboliſhed in France, is Sir Brooke Boothby.

* "There are always in the ſtate perſons diſtinguiſhed by their "birth, or riches, or honours; but if they were confounded with "the reſt of the people, if they were reduced to a ſingle voice, "the common liberty would be their ſlavery; and *they would* "*have no intereſt to defend it, becauſe the greateſt part of the* "*general reſolutions would be againſt them.*" Eſp. des. Lois, liv. xi. chap. vi.

† When the author of the *Reflections* ſpeaks of this *unbought grace of life, the cheap defence of nations; the nurſe of manly ſentiments*, &c. Thomas Paine aſks with great *naïveté*, "if any body "can tell what he means?" This is perfectly in character.

‡ See Eſp. des Lois, liv. xi. cap. viii. See alſo what is ſaid of feudal government in the chapter upon the Engliſh conſtitution at the end.

utterly

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utterly falſe and abſurd: they differ *toto cœlo*. We have an ariſtocratical legiſlative and judicial ſenate or aſſembly, but no feudal body of nobility. They had feudal nobles, but no ariſtocracy. France was divided into two diſtinct claſſes, ſeparated like Dives and Lazarus by an impaſſable gulf: but the laws of England acknowledge but one *claſs* of men; for the two or three hundred perſons forming the houſe of peers are not a *ſeparate claſs of citizens*, but a legiſlative judicial ſenate, accorded and ſubordinate to the law of the land; inſtituted for the *public utility*; to which all ranks are equally admiſſible; having by the law ſome perſonal privileges, as well as the repreſentatives in the *lower houſe*, to ſecure their attendance on their duty in parliament; but no territorial juriſdiction or power in the individual whatever.

Except in the determined number of perſons forming according to law the upper houſe of parliament, all titles are mere matter of courteſy, unknown and unacknowledged by the law; ſo that when we ſpeak of a peer of the realm, or a lord of parliament, we do not, as this man fooliſhly aſſerts, "ſpeak of a chimerical non-deſcript," (p. 71) "but we *do* aſſociate with it the idea of office and "character, juſt as much as when we ſpeak of a "judge or a general." And this body is ſupplied not excluſively out of patrician families, as the Roman ſenate was at firſt, but indifferently from all orders; and perſons of the leaſt illuſtrious extraction are frequently raiſed to the peerage for

their knowledge in the laws, to direct the judicial proceedings, or for any other eminent public merit or ſervice. As to the old feudal names of duke or baron, originally military among the Germans, and afterwards territorial under the Gothic ſyſtem, they were as good as any others to be applied to "*diſ-* "*tinctions founded on public utility*;" they were ready at hand, and had beſides the advantage of ancient cuſtom and popular opinion in their favour. And to the objection, "that they are not to be found "in the vocabulary of Adam," I anſwer, that however forcible this objection may be, this author has no right to make it, becauſe it is equally ſtrong againſt the titles of *exciſeman* and *ſecretary*, with which we are told he has himſelf been decorated. And the *manners* are accordant to the political inſtitutions. The lower ſort pay very willing reſpect to perſons inveſted by the law with theſe high legiſlative and judicial truſts; but let the firſt peer in the land inſult the humbleſt mechanic, let him if he dares lift up his hand againſt him, and both law and cuſtom put them inſtantly upon an equality. The peer may and probably will be chaſtiſed by the mechanic firſt, and afterwards puniſhed by the law for having provoked the chaſtiſement *.

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* If rank and office have their dignity, worth and talents are no leſs reſpected. A *Cook or a Howard, a Wedgwood or a Bolton, a Hunter or a Prieſtley* *, will command more conſideration and attention than a ſtupid or profligate lord or privy counſellor.

* The experimental philoſopher, not the politician.

But

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But Meſſieurs Paine, La Fayette, and Co. ſee nothing of all this.—" In France" (they ſay) " ariſtocracy had one feature leſs in its counte- " nance than what it has in ſome other country— " It was not *a corporation of ariſtocracy*, for ſo I " have heard M. de la Fayette deſcribe an Engliſh " houſe of peers."—Theſe great men conſider the admiſſion of the better ſort to a determined repreſentative ſhare in the government, as a greater evil than all the oppreſſive juriſdiction and exemptions and immunities and perſonal tyrannies of the feudal ſyſtem. That ſuch men ſhould think ſo, or ſay ſo, is perhaps nothing extraordinary; but it would be extraordinary indeed if they were to perſuade one man of common reaſon to be really of this opinion.

The cauſe of the expulſion of the nobles temporal and ſpiritual in France is to be looked for in their juſtly obnoxious privileges and powers, and their (perhaps conſequent) want of perſonal character; and not in any natural inclination of the people to abſtract philoſophical principles of equalization, which they are with difficulty brought to underſtand. To aboliſh the *tyrannical powers* and *unjuſt immunities* of the nobility and clergy was an eſſential point, a *ſine quâ non* to a free conſtitution under any form; and theſe patricians, by making their choice to ſtand or fall with their arbitrary privileges, and the arbitrary power of the crown, neceſſitated their own deſtruction. How utterly inadmiſſible they were into a free country as *citizens*, their ſubſequent conduct as *noblemen* has fully

fully evinced. Had they ſubmitted to *equality in the ſight of the law*, that law could have protected them in the ſecure enjoyment of all the natural advantages ariſing from property and perſonal weight: could they have been made friendly to the liberties of their country, it would moſt probably have been deemed wiſe to give them an intereſt in their preſervation: but ſuch was their attachment to the hateful principles of arbitrary government, that they preferred becoming the penſioners and dependants of electors and ſubordinate deſpots to being the firſt citizens of one of the firſt countries in the world. The warmeſt admirers of the happy balance of the Britiſh conſtitution muſt allow that ſuch men could with no ſafety be admitted to a ſhare in a government to every principle of which they were the declared and determined enemies; and their pride and puſillanimity, wanting wiſdom to conform and courage to reſiſt; their deſertion of their poſt, as inconſiſtent with the honour of brave gentlemen as their oppoſition to a free conſtitution was to the virtues of citizens, has done more to bring the name and character of a nobleman into diſcredit than all that has been ſaid againſt them by all the Thomas Paines that ever have written. To compare the conſtitutional nobility of England with theſe little tyrants, to contraſt their conduct in the revolutions of their reſpective countries in 1688 and 1788, is ſufficiently to anſwer thoſe who ignorantly or wickedly endeavour to confound them under any common title

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or deſcription. In England the principal men of the nation were the projectors of the revolution, the leaders of the people, the aſſertors of popular claims, the framers and maintainers of the declaration of rights. In France they denied that the people had any rights. In England the nobles and *optimates* are hoſpitable lords, diſpenſing plenty and content over their ample domains, beloved and followed by freemen with voluntary, natural, hereditary attachment. In France they were oppreſſors, curſed, and reluctantly obeyed. In England their powerful influence reſts upon reciprocal benefits and mutual good-will. In France they are deteſted, abjured, and expelled, never more to be reſtored.

In the ſame ſpirit of dulneſs he goes on to quote and miſunderſtand the following paſſage from the *Reflections:* "The *rights of men* in government are "their advantages; and theſe are often in balances "between differences of good; and in compro- "miſes ſometimes between good and evil, and "ſometimes between evil and evil. Political reaſon "is a computing principle;—adding—ſubtracting "—multiplying—and dividing, morally, and not "metaphyſically or mathematically, true moral de- "monſtrations."

This clear paſſage, which I ſhould have thought it an inſult to the underſtanding of my readers to attempt to explain, obviouſly means no more than that the beſt government is that which offers the moſt advantages to the community; and that, in

ſuch a government, great wiſdom is neceſ- Sir Brooke Boothby.
compute, and balance, and combine the
nd evil materials which the legiſlator is
to employ. But this plain undeniable
n ſenſe is, it ſeems, to Thomas Paine
ed jargon," which however he undertakes
pret, becauſe he underſtands jargon; and
s the meaning of it to be *that government is*
l by no principle whatever; that it can make
l, or good evil, juſt as it pleaſes. In ſhort,
ernment is arbitrary power.—If this is not
and not "learned" but ignorant jargon,
it?—When ſuch a writer ſets up for a go-
nt-maker, he certainly does well to contend
vernment ſhall not be *a contrivance of human*

proceeds to exult over the Engliſh govern-
s without "origin" or "authority," and
nantly exclaims—"A thouſand years hence
who ſhall live in America or France
look back with contemplative pride on the
of their governments, and ſay, This was
vork of our glorious anceſtors." But let
ho think it worth while aſk him in what
gin of the government of France differs
ne origin of the government of England?—
he monarchical part, how Pharamond or
are better than William of Normandy?—
he popular part, how the deputies of the
at in 1789, proteſted againſt by the deputies
other deſcriptions of the nation, came by

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a higher authority to form the French declaration of rights than was poſſeſſed by the convention of the nation in 1688, with the aſſent of all orders, to form the Engliſh declaration of rights? What will be the ſentiments of the French or Americans a thouſand years hence I don't know; but I know that after a hundred years every Engliſhman deſerving the name does now "look back with contemplative pride" on the re-eſtabliſhment and ratification of the conſtitution at the revolution, and pays from his heart the tribute of gratitude to thoſe glorious anceſtors by whom it was aſſerted and maintained. I ſay nothing of America, becauſe I have not yet heard that a federative republic has been propoſed for our imitation.

That a federative republic *founded on commerce*, if it is not at preſent, muſt ſoon become an ariſtocracy like that of Holland, may be eaſily foretold. By the royal and dictatorial ſtrain uſed by Waſhington at the opening of the congreſs, exactly formed upon the model of correſpondence between the king and the parliament in England, they ſeem to be already in poſſeſſion of a ſtadtholder.

"*Rights of man*" profeſſes to be a commentary upon the French *declaration of rights*; but many of the extravagant and abſurd doctrines laid down in the commentary do not reſult from the text. The *declaration* is to be taken as *a whole*; determining the deductions, as well as the premiſes; in which the abſtract poſitions are not to be ſe-

parated from the practical inferences. Though by taking for their ground the abſtract nature and origin of man, of which we can know but little, inſtead of his paſſions and affections, and feelings and neceſſities in ſociety, of which we may know a great deal, the authors of this declaration may have narrowed and weakened their foundations; yet it muſt be granted that the practical poſitions are for the moſt part ſound and true. All that is real may be ſafely admitted; all that is theoretical is at beſt doubtful and controvertible. To explain my meaning, I will firſt examine the abſtract notions, and then the practical inſtitutions of this celebrated *declaration of rights:* and in this examination, I think, it will appear, that all the advantages aſſerted, as pretended conſequences deriving from theſe abſtract rights, we have long been in full poſſeſſion of, under the Engliſh government.

Sir Brooke Boothby.

I. *Men are born, and always continue, free, and equal in reſpect of their rights: civil diſtinctions therefore can be founded only on public utility.*

Theorems, which are to ſerve for fundamental principles, ſhould be undeniably proved, and conſiſt of terms perfectly defined. Inſtead of this, we are here preſented with a propoſition, conſiſting of two parts, but diſtantly connected with each other: the firſt ſo general as to be almoſt unintelligible, falſe if taken in fact, and problematical in theory; and the ſecond, narrowed at once to the conſideration of a particular ſubordinate regulation,

Sir Brooke Boothby.

which happened at that moment to ſtand in the way of the pretenſions of the deputies of the *tiers état* to aſſume the whole powers of government.

Before the truth of the firſt part can be admitted or denied, it would be neceſſary to affix ſome preciſe idea to the terms of which it is compoſed. When it is ſtated, as a *maximum*, that "men are "born, and always continue, *free*," we ſhould at leaſt have been informed what is intended by the word *free*. "There is no term," ſays Monteſquieu, "which has received more various ſigni-"fications, or has ſtruck men's minds in ſo many "different manners, as the word *liberty* *."

Political

* This is the reſt of the paſſage:

"Some have taken it for the facility of depoſing the perſons "to whom they had given a tyrannical power; others, for the "facility of electing thoſe whom they are to obey; others, for "the right to be armed, and the power of exerciſing violence; "ſome, for the privilege of being governed by a perſon of "their own nation, or by their own laws. A certain people, "for a long time, took liberty, for the cuſtom of wearing a "long beard. Some have attached this name to one form of "government, and have excluded from it all others. Thoſe "who have a taſte for republican government have placed it in "that government; thoſe who have enjoyed a monarchical go-"vernment have given it to a monarchy. In ſhort, each have "beſtowed the appellation of *liberty* on the government moſt "conformable to their cuſtoms and their inclinations; and as "in a republic men have not always before their eyes, and in "ſo preſſing a manner, the inſtruments of the evils of which "they complain, as the laws appear to ſpeak more, and the "executors of the law appear to ſpeak leſs; it is common to "place it in republics, and to exclude it from monarchies.

"And

Political liberty is indeed afterwards defined in this declaration, *to conſiſt of* "*the power of doing* "*whatever does not injure another as limited by the* "*law.*" But this ſort of liberty growing out of the eſtabliſhed law, and beſpeaking therefore the pre-exiſtence of legal government, cannot be the ſame with the natural and original freedom of man, here declared to be one of his "*ſacred, unalienable,* "*impreſcriptible rights*" previous to the eſtabliſhment of all government. "*The principle which is* "*to direct the claims of the citizen,*" muſt be a different thing from the reſult of the laws formed in conſequence of theſe claims. When *liberty* is declared in one place to be "*a natural, impreſcrip-* "*tible right of man*;" and in another to be "*a* "*power limited by law*;" two different ſorts of liberty muſt be meaned; and the diſtinction not being marked, there is a confuſion of *natural* liberty with *civil* liberty. To make the ſame thing the origin and principle of law, and the reſult and conſequence of the laws, is a vicious circle. So that when it is aſſerted, ſpeaking of Frenchmen or Europeans, that *men are born, and always continue, free, and equal in reſpect of rights*, the liberty ſpoken of is not *natural* liberty, becauſe under every government natural liberty muſt have been

Sir Brooke Boothby.

"And as in democracies the people appear to do pretty near "what they will, liberty has been conſidered as belonging pe- "culiarly to that ſort of government, becauſe the *power* of the "people has been confounded with the *liberty* of the people."
Eſprit des Lois, l. xi. c. 1.

Sir Brooke Boothby.

already given in exchange for the benefits of ſociety; and it is not *civil* liberty, becauſe civil liberty, depending upon the laws, cannot exiſt before the laws—What liberty then is it?

The *equality* of the rights of man is ſubject to the ſame difficulties. If this equality is aſſerted to be a natural right, *previous to the inſtitution of ſociety*, the contrary aſſertion is ſtill more probable; for in a pure ſtate of nature, right and power ſeem to be perfectly equivalent terms; producing a ſyſtem of inequality, rather than of equality*; *and in ſociety* (as is immediately afterwards ſtated in this very propoſition) civil diſtinctions muſt be founded, not on natural rights, but on "*public utility.*"

The ſecond part of this grand political problem, this corner-ſtone of the immenſe edifice of univerſal government, is nothing, either in ſubſtance or authority, but the declaration of a particular body of men, in regard to a partial regulation, upon which their own authority happened at that moment to depend. As a general poſition, the term ſhould obviouſly have been civil *inſtitutions*, comprehending every kind of civil eſtabliſhment as well as that of perſonal *diſtinctions*; but then it could not have ſerved the particular turn for which it was fabricated. Before the deputies from the *tiers état* to the ſtates-general could pretend to any right

* Among the gregarious or domeſticated animals, there is no equality—the ſtrongeſt ſtag is maſter of the rut, and the ſtouteſt cock lord of the dunghill.

to

declare their body to be the only repreſentatives the nation, it was neceſſary to vote away the *vil diſtinctions* upon which the claims of the other anches of the ſtates were founded. So that we ive here a part of an aſſembly, deputed by a part the nation, founding its authority upon its own eclaration, and giving itſelf univerſal dominion y its own vote. It firſt declares that all civil diſnctions can only be founded on public utility, nd then aſſumes to itſelf (the higheſt of all *diſtincons)* the excluſive right of declaring in what ublic utility conſiſts; and, as might eaſily be foreen, reſolving that it conſiſts in placing the whole owers of the ſtate in their own hands—and this eclaration, dictated by perſonal intereſt, and directed to a partial purpoſe, is propoſed to us as a niverſal principle " of divine origin;" *of more alue to the world than all the laws and ſtatutes that ave yet been promulgated."*

Sir Brooke Boothby.

II. *The end of all political aſſociations is, the preervation of the natural and impreſcriptible rights of an, and theſe rights are liberty, property, ſecurity, nd reſiſtance of oppreſſion.*

This theorem is as obſcure and indefinite and liſputable as the laſt. It is at leaſt as probable to ay—" That the end of all political aſſociation is " the happineſs and well-being of men in ſociety; " and that liberty, property, &c. are to be pre- " ſerved as far as they contribute to the gene- " ral happineſs." Beſides, the terms *liberty, property,*

Sir Brooke Boothby.

perty, ſecurity, are capable of a variety of figu cations.

Liberty is one of the *means* of happineſs, but happineſs itſelf. It is only good, as it gives power of enjoying the good which we poſſ where there is nothing to enjoy, it is uſeleſs; wh it can only be employed in doing evil to ourſel or others, it is pernicious. A man caſt away u a barren rock would willingly exchange his lib for confinement in the king's bench priſon; an ſhut up an idiot or a madman, is an act of manity. Civil liberty, therefore, conſiſts as m in the reſtraint as in the exerciſe of natural libe and muſt be conſidered as ſecondary to happin and made ſubordinate to all laws and inſtituti for the good of the whole; leſt, by ſacrificing ev thing elſe to its preſervation, it ſhould become thing but the permiſſion to be miſerable. " " berty," ſays Rouſſeau, " muſt always follow " fate of the laws; it muſt reign or periſh with the

How excluſive *property* derives from the nat rights of man, I think it would be more than c cult to ſhew.

Security is alſo here a very vague term. Sec from external enemies depends upon the rela ſtrength and courage of the nation: ſecurity u each other, upon good morals and ſtrong powerfully enforced. " It is the *ſtrength* of " ſtate," ſays Rouſſeau, " which makes the ſ " rity of its members."

ınd to call *reſiſtance of oppreſſion* one of "the ıds of political aſſociation," ſeems little leſs ı nonſenſe. In civil ſociety the natural right ·eſiſting particular oppreſſion is transferred from individual to the laws; and for the government pre-ſuppoſe in itſelf an intention to oppreſs the ple, and to eſtabliſh a right and power to reſiſt own decrees, ſeems quite abſurd. Sir Brooke Boothby.

II. *The nation is eſſentially the ſource of all ſo-y, nor can any individual or any body of men be en-ed to any authority which is not expreſsly derived m it.*

We are ſomewhere told, that Philip the ſecond's l ſaid to him, "If all your ſubjects were to ake it into their heads to ſay no every time you ay yes, and yes every time you ſay no—where would be then Philip?" If this ſort of conſent is e alluded to, certainly no law or power or ſove-gnty can exiſt any where without it: but if an *reſſed* aſſent is intended, the aſſertion is ſubject infinite difficulty. Is it aſſerted of what *is*, or what *ought to be?* What is meaned by the *na-n?* Every individual collectively, or a majority them only? If the former, how is the opinion each to be collected, ſo as to form a general opi-on? If the latter, how is the majority to be aſ-rtained? Is a majority of one voice, for inſtance, give half the nation a power to control the her half? Theſe are not mere ſubſtitutes, but ſential to underſtanding what is here meaned to : eſtabliſhed. And this poſition after all, under-

ſtand

Sir Brooke Boothby.

ſtand it how you will, amounts to no more than that a *democracy* is the only legitimate form of government; a point that ever has been and ever will be ſubject to eternal diſpute, which aſſuredly neither the French abbé nor the American ex-ſecretary are commiſſioned to determine. In the mean time, individuals and bodies of men will every where remain entitled to all the authority given to them *by the laws for the public utility*, as long as they receive the obedience, which is the tacit conſent of the people, whatever is the form or may have been the beginning or original ſource of the government.

IV. *Political liberty conſiſts in the power of doing whatever does not injure another. The exerciſe of the natural rights of every man has no other limit than thoſe which are neceſſary to ſecure to every man the free exerciſe of theſe* RIGHTS; *and theſe limits are determinable only by the law.*

V. *The law ought to prohibit only actions hurtful to ſociety. What is not prohibited by law ſhould not be hindered, nor ſhould any one be compelled to that which the law does not require.*

Theſe two articles taken together are reducible to a ſhort form—"That good government conſiſts "in juſt and equitable laws; and political liberty "in the power of doing whatever is not prohibited "by the laws."—Q. E. D.

But the good abbé, by introducing *natural rights*, and confounding them with *civil liberty*—the principles of government with the operations of the law—

r—has contrived to render theſe plain truths rolved and obſcure. Sir Brooke Boothby.

VI. *The law is an expreſſion of the will of the com-nity. All citizens have a right to concur either per-ally or by their repreſentatives on its formation. It uld be the ſame to all, whether it protects or puniſhes: d all, being equal in its ſight, are equally eligible to l honours, places, and employments, according to their fferent abilities, without any other diſtinction than that eated by their virtues and talents.*

The definition of the law contained in the be-nning of this article is at beſt vague and incom-lete. A complete definition is excluſively appli-ible to the thing defined, and to nothing elſe; ut every *expreſſion of the will of the community* is rtainly not a *law:* there may be *an expreſſion the will of the community* for war, or for peace; r the removal of a miniſter, or for the reform of y particular abuſe; and though the *expreſſion of e will of the community*, when ſtrong and general, ill and ought to be effectual for theſe purpoſes, is *expreſſion of the will of the community* does not nſtitute and cannot be called a *law*. And this finition fails, not only in the want of general *ap-ication*, but in the want of general *truth:* for, ex-pt in a ſimple democracy, the law never is or n be *the expreſſion of the will of the* WHOLE *com-unity*; but the expreſſions of the wills of that part f the community delegated or otherwiſe appointed r the purpoſe of framing laws.

A *law* may perhaps be defined to be "a general, "promul-

Sir Brooke Boothby.

" promulgated regulation, for the benefit of the " community; enforced by the powers of the laws;" and *the law* to be " the aggregate ſenſe of all theſe regulations :" and the aſſent of the people to the laws is proved by their obedience to them.

The ſame confuſion of the right of making laws with the power of executing them, and with the juſtice of their principle, is continued through this article. Let us endeavour to diſentangle them.

The eſtabliſhed and exiſting law, whatever may have been its origin, is only an *expreſſion of the will of the whole community*, as it is aſſented to by tacit acquieſcence; otherwiſe it would be neceſſary for every ſucceſſive member of the community to expreſs his formal conſent to each of them reſpectively.

When it is ſaid that " all *citizens* have a right to " concur either *perſonally* or by their *repreſentatives* " in the formation of every law," two modes of legiſlation, varying moſt eſſentially from each other, are propoſed as equivalent, and of indifferent choice. According to the principle here laid down, the right of chooſing whether he will legiſlate in his own perſon or by deputy muſt always continue perſonally to reſide in each individual citizen. The will of each and every one muſt therefore be clearly and expreſsly announced before, in this view, any body of delegates can be conſidered as a complete repreſentation of all, and competent to diſpoſe of the general volition. Nay more, theſe citizens may reſume the power of legiſlating perſonally whenever

never they pleaſe, or ſeparate themſelves into eral communities, each legiſlating in its own nner, if they cannot agree upon any common de; ſo that, according to this principle, no fixed permanent government can ever be eſtabliſhed*; l the word *citizen* is employed to ſignify a mem- r of the community, before the formation of its nſtitution or form of government; whereas the ıſe of the word depends upon its relation to ſome evious eſtabliſhed order of things; and has erefore never been the ſame in any two govern- ents that have exiſted.

Sir Brooke Boothby.

That *the law ſhould be the ſame to all*, is ſelf- ident; for a rule that does not bind the whole mmunity is not *a law*, but a partial regulation. he arbitrary decree of a tyrant is a command- ent, and not a law.

That *rewards and puniſhments ought to be equally ſpenſed*, is alſo obvious; becauſe they are diſpenſed y the law. But though *all men are equal in the ght of the law*, it does not therefore follow, that *ll men are equally eligible to all honours, places, and mployments*; becauſe theſe, not being amongſt the atural rights retained under the new ſanction of ociety, no man has any claim upon them in right f his *abilities*, or *virtues*, or *talents*—becauſe they

* Upon the 22d of December, 1791, on the king's rejection f the decree againſt the non-juring eccleſiaſtics, a member of e national aſſembly actually moved to propoſe the decree to e ſanctioned by the electors of the eighty-three departments! nd the municipality of Mayenne executed the decree, notwith- anding it did not paſs into a law!

are

Sir Brooke Boothby.

are ſeldom calculated as *rewards*—becauſe the are not conferred by the *laws*, but by the perſon executing the government under the laws; and becauſe, according to the very principles laid down here, *diſtinctions* are exceptions from the natural equality of man, to which no man can claim any right, and which can therefore *be only founded on public utility*; and being created by ſociety for its convenience and advantage only, are to be given in the way moſt likely to contribute to the end for which they were inſtituted, without regard to any other conſideration *.

VII. *No man ſhould be accuſed, arreſted, or held in confinement, except in caſes determined by the law, and according to the form which it has preſcribed* (copied from our great charter). *All who promote, ſolicit, or execute, or cauſe to be executed, arbitrary orders, ought to be puniſhed, and every citizen called upon or apprehended according to the law ought immediately to obey,*

* D'Alembert gives a good reaſon why diſtinctions muſt be given to birth and fortune, rather than to talents.

" Les hommes ne pouvant être égaux, il eſt néceſſaire pour " que la différence entre les uns et les autres ſoit aſſurée & " paiſible, qu'elle ſoit appuyée ſur des avantages qui ne puiſſent " être ni diſputés ni niés: or c'eſt ce qu'on trouve dans la " naiſſance & dans la fortune," *Eſſai ſur les Gens de Lettres.*

In another place he adds, " Quand l'auteur (Monteſquieu) " parle de l'égalité dans les démocracies, il n'entend pas une " égalité extrême, abſolue, et par conſéquent chimérique; il " entend cet heureux équilibre qui rend tous les citoyens " également ſoumis aux lois et également intéreſſés à les ob- " ſerver." *Analyſe de l'Eſprit des Lois.*

and

and renders himſelf culpable by reſiſtance. That is, tranſlated into common-language, the laws ought to be obeyed, and thoſe who reſiſt the laws ought to be puniſhed.—Q. E. D. Sir Brooke Boothby.

VIII. *The law ought to impoſe no other penalties but ſuch as are abſolutely and evidently neceſſary; and no one ought to be puniſhed but in virtue of a law promulgated before the offence, and legally applied.*

The firſt part of this article preſcribes a juſt and humane regulation of penal laws; the ſecond may admit of a doubt*.

IX. *Every man being preſumed innocent till he has been convicted, whenever his detention becomes indiſpenſable, all rigour to him more than is neceſſary to ſecure his perſon ought to be provided againſt by law.*

It were well if this article were engraved upon the walls of every legiſlative aſſembly-room, and every court of criminal judicature in the world.

X. *No man ought to be moleſted on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not diſturb the public order eſtabliſhed by law.*

Dictated by reaſon and common ſenſe.

XI. *The unreſtrained communication of thoughts and opinions being one of the moſt precious rights of man, every citizen may ſpeak, write, and publiſh freely,*

* "L'uſage des peuples les plus libres qui aient jamais été "ſur la terre me fait croire qu'il y a des cas où il faut mettre "pour un moment un voile ſur la liberté comme l'on cache "les ſtatues des dieux."

Eſp. des Lois, l. xii. c. xix. *ſur les Bills appellés d'Atteindre.*

Sir Brooke Boothby.

provided he is reſponſible for the abuſe of this liberty in caſes determined by the law.

Equally reaſonable and true.

XII. *A public force being neceſſary to give ſecurity to the rights of men and of citizens, that force is inſtituted for the benefit of the community, and not for the particular benefit of the perſon with whom it is entruſted.*

A truth.

XIII. *A common contribution being neceſſary for the ſupport of the public force, and for defraying the other expences of government, it ought to be divided equally among the members of the community according to their abilities.*

Another truth.

XIV. *Every citizen has a right, either by himſelf or his repreſentative, to a free voice in determining the neceſſity of public contributions, the appropriation of them, and their amount, mode of aſſeſſment, and duration.*

The right of the people, by themſelves or their repreſentatives, in every free government, to propoſe and aſſent to taxes, or in other words to tax themſelves, ſeems to be conſequent upon one of the fundamental principles of all civil ſociety—*ſecurity of property.* Society having originally guaranteed to every man this property, cannot afterwards touch it without his conſent; and taxes being nothing more than a general contribution for the public advantage, the people have a right to judge for themſelves, whether the benefit propoſed be equal to the tax propoſed, and to make the purchaſe or not as they ſee fit. And this is

a right

a right of which the people ought to be above all others tenacious; for a nation that ſubmits to be taxed at the will of perſons benefited by the tax, and not paying the tax, hold their liberty * on a very precarious foundation. Sir Brooke Boothby.

XV. *Every community has a right to demand of all its agents an account of their conduct.*

This poſition is too vague and general to convey any practical or preciſe idea. What is meaned by a *community?* the whole nation; or any particular body of men incorporated under the law? Does it mean that the people have a right to call their repreſentatives to account; or that the legiſlative power poſſeſſes this right over the executive power? Or does it mean no more than that all public officers ought to be amenable to the laws for miſconduct?

XVI. *Every community in which a ſeparation of powers and a ſecurity of rights is not provided for, wants a conſtitution.*

As every conſtitution conſiſts in *the diſtribution of the different powers,* and in *the laws giving and ſecuring rights,* the general truth of this poſition cannot be denied; but this *ſeparation of powers* ought ſurely to have been farther explained: a popular *declaration of rights* ought to be intelligible to all, and very few I believe will underſtand what is meaned by a *ſeparation of powers.* "All is loſt," ſays Monteſquieu, "if the ſame man, or the ſame

* Nothing has ever appeared to me more juſt than the cauſe of reſiſtance in America.

Sir Brooke Boothby.

" body of the principal men or nobles, or of the " people, exerciſe the three powers, that of making " laws—that of executing the public reſolutions— " and that of judging the crimes and differences " of particulars." Were the framers of this declaration afraid to explain themſelves on this important ſubject ?

If a *ſeparation of powers* is ſo eſſential to the *exiſtence of a conſtitution*, why was not the principle of this ſeparation laid down among theſe fundamental poſitions ? Are we not led to ſuſpect from this ſilence, that the national aſſembly meaned to come to this ſeparation as late and as little as might be found poſſible ? Would to God the executive and judicial powers daily exerciſed by the legiſlative aſſembly did not give too much force to this ſuſpicion * !

XVII. *The right to property being inviolable and ſacred, no one ought to be deprived of it, except in caſes of evident public neceſſity legally aſcertained, and on condition of a previous juſt indemnity.*

This article, ſo far from being evidently true as a general poſition, or conſequent upon what has gone before, has, I think, a ſuſpicious aſpect. *If the right to property is inviolable and ſacred*, by what ſort of *legality* is that public neceſſity to be aſcertained by which its inviolability and ſacred character at once ceaſe ? or to whom is the right

* In December 1791, one Le Tailleus had his houſe violated, and his perſon and papers ſeized, by an order from a committee of the national aſſembly.

to be entruſted to ſuſpend or take away rights that are declared inviolable and ſacred? I know that in free governments the legiſlature ſometimes obliges individuals to ſell ſome ſmall parts of their property to procure ſome great public convenience; but I confeſs I have always conſidered the exerciſe of this power rather juſtified by the ſmallneſs of the injury, than by any principle of juſtice. The principle laid down in this article is beſides evidently in contradiction with that of Article XIV. Sir Brooke Boothby.

I think I have ſhewn, that in this *declaration of rights* the abſtract philoſophical principles are all at beſt problematical and obſcure; but the danger of their uncertainty is for the moſt part obviated by the practical application of them—the *real* claims. And there is not one of theſe real claims which every Engliſhman will not inſtantly recognize as his conſtitutional right "inherited "from his fathers, and ſettled upon his children. "That all men ſhould be equally bound by the "law—that every man ſhould have the power "of doing every thing which the law does "not prohibit—that no man ſhould be impri- "ſoned or otherwiſe moleſted but as the law "preſcribes—religious toleration—liberty of the "preſs—that taxes ſhould be equally laid, and "laid by the repreſentatives of the people—that "the agents or miniſters of the government ſhould "be amenable to public impeachment—the in- "violability of private property"—are all the long-eſtabliſhed rights of Engliſhmen.

Sir Brooke Boothby.

The foundations of our conſtitution are deep and ſtrong: they are laid in education and habit, in manners and religion, in cuſtom and opinion; they are farther ſtrengthened by our ſentiments and affection, by reſpect and veneration, by filial piety and parental regard, by patriot pride, and public honour and national glory. The Britiſh conſtitution, like her native oak, the ſymbol and the inſtrument of her naval pre-eminence, ſtrikes its roots as deep into the earth as it extends its branches towards heaven. The ſtorms of faction or the blaſts of arbitrary power may agitate its head, but cannot diſturb its baſis. After contending with a world in arms, it ſtill flouriſhes in full vigour and beauty; and will remain to give ſhelter to generations yet unborn.

The foundation of the new government in France is, I fear, neither ſo deeply laid nor conſtructed of ſuch ſolid and durable materials. By fixing their conſtitution upon diſputable abſtract notions, ſuch as the *natural and original equality or unity of man*, they ſeem not only to have taken ſandy and fluctuating ground, but to have laid their foundations as it were above ground; open to every injury, and expoſed to every attack. In ſocieties, ſuch as they are, and muſt ever be, where commerce and the arts and the conſequent inequalities of fortunes and conditions exiſt, the practice will remain at perpetual variance with theſe principles; which cannot therefore by any mellowneſs of time be brought to mix or aſſimilate with

with the common feelings and opinions of men. Inſtead of uniting the exiſting forces in one *focus*, they are placed in eternal oppoſition and contention with each other. It is made the permanent intereſt of the powerful to deſtroy, and of the rich to corrupt; and conſequently of the people to remain in a perpetual ſtate of warfare *. Sir Brooke Boothby.

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* The following melancholy picture of the actual ſtate of this *regenerated* nation was exhibited at the *Jacobin* club on the 18th of December, 1791, by Mr. Rhœderer, one of the principal managers of the revolution, and a leading orator in the conſtitutive aſſembly——

"We have not peace; and yet we have not begun the war.

"We are at war; for the rebels without are in arms, are organiſed in legions; for they have declared chiefs; for theſe chiefs have publiſhed manifeſtoes.

"We are at war; for Frenchmen are vexed and inſulted in all the neighbouring nations.

"We are at war; for what are our revolted prieſts, what are our anti-patriot clubs, but diſguiſed ſections of the army at Coblentz?

"We are at war; not indeed at open war, and why? becauſe we are undermined, becauſe we are inſulted, becauſe we are outraged, with the ſame impunity as if we were already conquered; becauſe to treat us as vanquiſhed it is unneceſſary to be at the riſk or trouble to vanquiſh us.

"What is the peculiar characteriſtic of this war? Is it ſimply a foreign war? a war of king againſt king, or even of people againſt people? No; it is a war of man againſt man, of Frenchman againſt Frenchman, of brother againſt brother, combined with a war of prince againſt nation. It is a civil war combined with a foreign war.

"It is a war of nobility againſt equality, of privilege againſt the common condition, of all the vices againſt public and private morals, of every ſort of tyranny againſt every ſort of liberty and ſecurity.

Sir Brooke Boothby.

The only government we read of, which took the natural equality of man for its baſis, is the republic of Sparta; and there the equality was not abſtract and nominal, but real and effectual. Lycurgus ſaw that the *equality of man* could not conſiſt with inequality of poſſeſſions. He therefore veſted all property in the community, aboliſhing excluſive property in individuals; and, to prevent all poſſibility of acquiring perſonal riches, he forbade the uſe of ſilver and gold, and the introduction of commerce and the fine arts. All men received a common education at the public expence, were clothed alike at the public charge, and ſerved with the ſame food at public tables; and

"The moſt dangerous party of our enemies are in the very midſt of us; they are maſked and diſguiſed. The patriot may eaſily diſtinguiſh them by certain ſigns and tokens which betray the ariſtocratiſt; but the law confounds them; and the conſtitution of which they are the enemies aſſures to them all the liberties eſtabliſhed for citizens; the liberty to write, to ſpeak, to go and come; the liberty of religious worſhip; all the liberties which the conſtitution guarantees to all thoſe who engage under it, are ſhared by thoſe who abhor the conſtitution, and made uſe of by them againſt it; our enemies find in the conſtitution itſelf their arms againſt the conſtitution. The conſtitution is the arſenal of the counter-revolution.

"This, gentlemen, you perceive is an abſurd and deſtructive order of things; but as long as what is called peace continues, ſo long muſt this evil endure in activity."—

When a mathematician, after working his diagram, finds the produce to be an abſurdity, he returns back from whence he ſet out, certain that there is an error ſomewhere. If the revolution has generated an *abſurd and deſtructive order of things, only to be cured by war*, does not Mr. Rhœderer begin to ſuſpect that there has been want of wiſdom in its direction and conduct?

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he importation of philoſophers was ſtrictly prohibited. Sir Brooke Boothby.

To keep in view and give conſtant action to that ſentiment which was wholly to convert the man into the citizen, a general public diſcipline, and a very ſevere one too, was inſtituted; and every citizen of man's eſtate was equally charged with the care of the legiſlative government, which he was not allowed to delegate the uſe of to another, but actually executed in his own perſon; and he was not only eligible to all public offices and employments, but bound to execute them. Here the principle and the practice were in perfect uniſon. And what was the immediate and neceſſary conſequence of this extreme and forced equality? The moſt horrible and abominable of all inequalities among men. Theſe free and equal citizens were not aſhamed to have their ordinary wants adminiſtered to by SLAVES. The *helots*, nearly twice as numerous as the citizens, were the moſt abject of ſlaves; and the cruel indignity with which they were treated became proverbial over all Greece.

If civil equality could not be eſtabliſhed in an order of things where every thing was ſacrificed to it, without deſpoiling another race of people of their humanity; if to prevent the diſtinctions of high and low it became neceſſary to inſtitute the diſtinctions of maſter and ſlave; how can the equality of man in ſociety be made the principle of a government, admitting the moſt eſſential and operative of all inequalities, the inequality of fortunes

Sir Brooke Boothby.

tunes and poſſeſſions? In ſuch a government the principle and the practice muſt remain a perpetual exiſting contradiction. Wherever there is a right of excluſive property, where it is allowable to accumulate the eſtabliſhed ſigns of traffic, where commerce and the imitative and ornamental arts are cultivated, men muſt be divided into rich and poor; the original and inexhauſtible ſources from which all other civil diſtinctions ſpontaneouſly and neceſſarily flow.

Rouſſeau has very truly obſerved, that to enrich one man many muſt be impoveriſhed; ſo that the number of the relative poor will always much exceed that of the rich. Now if ever the principles laid down in the "Declaration of the Rights of Man "and of Citizens" ſhould come to be underſtood in the ſenſe and to the extent given to it in Thomas Paine's pamphlet, that moment will this *natural majority of the nation* be authoriſed to aſſemble in a body, and to addreſs their "national conſti- "tutive aſſembly," or their "national legiſlative "aſſembly," or any other aſſembly of their delegates, in the following language:—"You have told us that 'all men are born equal, and always 'continue equal in reſpect of their rights—that 'the equal rights of man are impreſcriptible and 'divine.' But when you tell us that our rights are equal, without giving us the benefits and advantages naturally reſulting from equality of rights, you are either ignorant or weak, or cowardly or inſincere. If we have a right to equality, give it us;

; if we have not, do not mock us with vain aims which you cannot or will not realiſe. This adding inſult to injuſtice. Upon your own rinciples, what right have any among you to arro- ate to yourſelves an unequal ſhare of the good ings of the world? Every time you drive to this ſembly in a warm eaſy carriage, while the man ehind is drenched with the rain or benumbed ith the cold, you are guilty of a groſs and pal- able violation of the *equal rights of man*; and henever you ſit down to a luxurious and ſuper- bundant table, while a neighbouring family are want of a decent and ſufficient meal, your con- itution ſuffers a temporary ſuſpenſion. You have boliſhed perſonal diſtinctions, which were nothing, nd have left untouched the real and effectual diſ- inctions of poor and rich, from which all the reſt re ultimately derived and ſupported. How dare ou, under the pretence *of the equal rights of an*, make laws and iſſue decrees to maintain he moſt flagrant and grievous of all inequalities? f men are born equal, and derive their equal rights mmediately from God, by what ſort of impious ight does any man lay claim to an unequal ſhare f the common benefits given by the common ather equally to all his children? What right has ny man to plant a hedge or build a wall to ex- lude another from the general gifts of nature? ou have acknowledged our equal rights, and ave left us with all the wants and diſtreſſes and ardſhips belonging to the worſt degree of inequa- lity.

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Sir Brooke Boothby.

lity. If the goods of the world were before u equally diſtributed, at leaſt they exiſted in t country, and a portion of them might be obtain by induſtry and ingenuity: but, inſtead of equalizi the poſſeſſion, you have only leſſened the quantit you have impoveriſhed the rich without any bene to the poor; inſtead of bettering our general co dition, you have made it worſe; inſtead of feedi us with real beef and porter, you would ſatisfy o neceſſities with a mouthful of moonſhine. By wh ſort of conſent your pretended delegation was firſt eſtabliſhed; by what authority we were ev obliged to delegate our right of legiſlating for ou ſelves to any man or number of men, inſtead exerciſing it in our own perſon, we will not no enquire. You will not, to be ſure, deny the rig we have to ſuperſede our delegation, and legiſlat for ourſelves whenever we pleaſe*; and we clai the inſtant exerciſe of it: return to your familie and occupations; we diſmiſs you from our ſervice we will at this moment legiſlate for ourſelves. I the principle of our new conſtitution is to be pro

* I here invite Mr. Paine to ſolve a queſtion upon which th legality of the preſent conſtitution in France fundamentall depends.

After having declared (Declar. of the Rights of Man, artic vi.) "That the law is the expreſſion of the general will, and th "all citizens have a right to concur *perſonally, or by their repr "ſentatives*, in its formation"—what right had an aſſembl delegated according to ancient and abuſive forms, to decide, i it does (Conſtitut. title III. art. i.) "That the nation, fro "whom alone emanate all the powers, *can only exerciſe them b "delegation?*"

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ctive of any good, it is high time that we ſhould gin to enjoy the fruits of it; if our rights are ual, ſo ſhall be our poſſeſſions. We will make equal, which is the only equitable, diſtribution all things, and then we may perhaps delegate me of you again to ſuperintend the execution of r decree; for little legiſlation will be neceſſary hen all things are in common." Sir Brooke Boothby.

Here is the *nation in its original character*, not *legated, but met to conſtitute for itſelf*; guided by rule but the *illuminating divine principle of the ual rights of man*; and claiming by juſt reaſon a ll and perfect right to all that can be made to ſult from this great and prolific principle. If here is any thing in the world clear, it is that theſe men would argue conſequently, and wiſely oo, upon the premiſes laid down in *Rights of Man.* If the principle be true, let its natural and legitimate offspring be acknowledged and ſupported.

The republican landed and moneyed gentry of the north of Ireland have, it is ſaid, circulated 0,000 *Rights of Man* at twopence a-piece. I recommend to their attention the following ſhort addreſs, which they may, if they pleaſe, diſpenſe at farthing.

" To all Servants, Labourers, Handicrafts-men,
" and Manufacturers.
" Now or never, my boys!

" You muſt know, my honeſt friends, that your " maſters and landlords have found out that the " king,

Sir Brooke Boothby.

" king, and the lords, and biſhops, and parliamen
" men, ought to be all put down, becauſe, as v
" are told in the holy ſcriptures, God has made a
" men alike: and this is very true; for is not or
" man made of juſt the ſame fleſh and blood a
" another? Are not your maſters and landlords a
" good men as lords? and are not you as goo
" men as either of them? To be ſure you are.

" I hope all of you have read a new book
" called *Rights of Man*, or elſe got ſomebody t
" read it to you. This book ſhews as clear as th
" ſun at noon day, that all men ought to be equa
" now, the ſame as God made them at firſt; an
" that kings and biſhops, and lords and gentlemen
" are all downright inventions of the devil. Now
" my boys, God certainly no more made landlord
" and maſters than he did lords and gentlemen
" and for my part, I believe the devil had a greate
" hand in theſe than in the others, when I think
" how many hard landlords and bad maſters ther
" are in the world. When God had made th
" world, he gave the fruits of the earth alike to all
" but the land to nobody; and if ſo, is it not
" very hard caſe, when any of you has planted a
" acre of potatoes with the labour of his hand
" and the ſweat of his brow, that he dares not dig
" one of them to ſave himſelf and his family from
" ſtarving? To be ſure it is, and a very wicked
" thing too.

" This book alſo ſhews as plain as can be, that
" you have no need to mind the laws, becauſe they

" were

" were made by men who are dead and gone; Sir Brooke Boothby.
" and you know very well that the dead have no
" buſineſs at all to govern the living.

" And then it proves that any greater number
" of people may make any laws they pleaſe for the
" reſt; and you are to be ſure thirty or forty to
" one againſt the gentlefolks; and ſo may make
" whatever laws you like.

" Now when God has made one man juſt as
" good as another, are not you aſhamed of your-
" ſelves to be ſervants to your equals? to ſtand
" behind a man's back not a bit better than your-
" ſelves, while he reſts his lazy a— in an eaſy
" chair? If you are not aſhamed of this, I am ſure
" you ought to be aſhamed of it, and to put an
" end to it too.

" And you, day-labourers, are not you damned
" fools to work your guts out for poor pitiful eight-
" pence or ten-pence a day, hardly enough for the
" tobacco and whiſky, all the while that the farmer
" (who would ſtarve you all if he could get a
" penny by it) makes perhaps two ſhillings or half
" a crown clear profit, and the idle raſcal of a
" landlord may be five or ſix more, all out of your
" work? To be ſure you are.

" Why now in this linen trade, there's many a
" maſter keeps may-hap forty or fifty men at work
" at louſy ten-pence a-day, while he is getting as
" rich as a Jew by your labour; and ten to one
" the fellow does not know how to ſet a loom or
" handle a ſhuttle ſo well as the worſt workman
" amongſt

Sir Brooke Boothby.

" amongſt you. Is not this a great ſhame? T
" be ſure it is.

" Now, my brave boys, what you have to do i
" quite eaſy. You muſt begin by helping you
" maſters and landlords to pull down king, an
" lords, and biſhops, and every body above them
" and then you muſt pull them down too. Fo
" to be ſure, if all men are equal, there ought t
" be no ſuch things as landlords or maſters i
" the world; and in the mean time you are n
" better than aſſes if you don't bring them all t
" an account every Saturday night, and make
" them divide all the profits fairly and equally
" amongſt you all.

" If you ſhould be fools enough to help your
" maſters to pull down thoſe above them, without
" pulling them down too, let me tell you, you will
" be a great deal worſe off than ever, becauſe your
" maſters will then have all the power in their own
" hands, and may uſe you juſt as they pleaſe; and
" I believe you know pretty well how that would
" be. The beſt of them would make you do a
" deal of work for a little pay; and many of them
" would uſe you as bad as the blacks in America,
" if they durſt."

Whether from timidity or prudence, the author of " Rights of Man" has not carried his principles to their fair extent. He has left untouched a thouſand rights neceſſarily flowing from the impreſcriptible and unalienable equality of man in ſociety. The right to *eat*, for example, is at leaſt as natural

natural and impreſcriptible as the right to legiſlate; it is ſomewhat more neceſſary, and of as ancient and divine original; and, when dreſſed out in a philoſophical uniform, makes, in my opinion, juſt as good a figure. Man is an organized entity, whoſe vitality conſiſts in the action and re-action of ſolid and fluid parts, according to the laws of animal motion, which require to be frequently ſupplied and renewed by the adſcitition of elements taken into the mouth, maſticated by the teeth, ingurgitated by the gullet, received into the ſtomach; and there by trituration, fermentation, and the reſt of the chemico-mechanical proceſs of digeſtion, prepared and aſſimilated for the purpoſe of continuing animality; and without which, by the natural and impreſcriptible laws of animation, life muſt ceaſe; the right therefore to *eat* is "one "of thoſe natural rights which appertain to man in "right of his exiſtence;" "one of thoſe which he "muſt retain in ſociety, becauſe the power to exe- "cute is as perfect in the individual as the right "itſelf. It is alſo as ancient, and of as divine ori- "ginal, as that greateſt of all truths the unity or "equality of man," and certainly as "advantageous "to cultivate"—"And God ſaid, Behold I have "given you every herb bearing ſeed which is upon "the face of all the earth, and every tree on the "which there is the fruit of a tree yielding ſeed: "to you it ſhall be for meat."—"Here we are "got at the origin of man and the origin of his "rights: how the world has been governed from

Sir Brool Boothby

Sir Brooke Boothby.

" that day to this is no concern of ours; every " civil right grows out of a natural right, and *can-* " *not invade* thoſe natural rights in which the power " to execute is as perfect as the right itſelf." Hence it follows, that the man who appropriates to himſelf a greater quantity of the food given by God equally to all than is neceſſary for his own conſumption, acts in defiance of the natural impreſcriptible equal rights of man; and that he who goes into the kitchen or larder of this invader of his natural rights, and ſeizes upon what he wants, acts in ſtrict conformity to thoſe rights which *ſociety cannot invade:* and as to the laws againſt theft or burglary, they are not only in contradiction with the unalienable equal rights of man, " but were made by men who, " having ceaſed to be, have no longer any autho- " rity in directing how the government of the " world ſhall be organized or adminiſtered.—It " is the living and not the dead that are to be ac- " commodated; the rights of the living cannot be " willed away by the manuſcript authority of the " dead."

That the French " Declaration of Rights" is conceived in terms too abſtract or general, the plauſible ſyſtem of impracticable inconſiſtency erected upon it by this *brouillon*, is an undeniable proof. The abbé Sieyes, who drew it up, ſaw the immediate neceſſity to ſtimulate the people into action by ſome ſtrong application; and ventured to delude them with terms which from their generality and indefinite nature ſeem to promiſe every thing,

thing, and bind preciſely to nothing. But perhaps he did not foreſee, that in avoiding one evil another was incurred. The real patriots had then to contend with an inveterate deſpotiſm; and they have left their ſucceſſors in the government to ſtruggle with an armed and diſappointed populace, let looſe at once from all the ties of opinion, of religion, of morals and manners, and ancient cuſtoms. If indeed it could be proved that they had no other alternative, I am ready to allow that this ſituation of things, bad as it is for the preſent, is ſtill greatly preferable to the other. An opportunity to overturn ſuch a deſpotiſm as that of France was to be made uſe of at any riſk; for anarchy is but a temporary evil, a ſtorm which muſt ſooner or later ſubſide into the calm of order; but deſpotiſm is an eſtabliſhed vice, a diſeaſe in the very marrow and vitals, proſtrating the natural ſtrength, and poiſoning every ſource of health and vigour. From any danger of a relapſe into this abject ſtate, I hope and believe the French nation is free; but when ſhe will be put into the poſſeſſion and full enjoyment of the noble property ſhe has obtained, or whether it will ever be made the moſt of, is not eaſy to foreſee. Sir Brooke Boothby.

To legiſlate according to the principles of ſome pre-conceived theory, without any regard to circumſtances or conſideration of practice, is no difficult taſk. But ſuch an abſtract government will be like an abſtract coat, or an abſtract pair of ſhoes, ſuiting no ſhape, and fitted to no feet. It

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is of another ſort of difficulty to inſtitute a government ſuited to the climate and ſoil and ſituation of a country; to its population and extent; its faculties and diſpoſitions and inclinations; to the religion and manners and genius of the people;—to make uſe of things as they actually are, with the prophetic view to render them all that they are capable of becoming. A thouſand legiſlators in the former mode have eaſily been found; while legiſlators of the latter deſcription have but rarely appeared, at long intervals in the ſucceſſive ages of the world.

In the *regeneration* of France, ardently as I wiſh for the ſucceſs of her glorious enterpriſe, I confeſs I can perceive no marks of thoſe creative powers deſtined to give a laſting force and diſtinguiſhed character to their inſtitution. To invent abſtract maxims is as eaſy as to engrave tables of ſtone; but the manners and habits and cuſtoms and characteriſtic diſpoſition of the nation, the only permanent ground for fixt opinion upon which all government muſt ultimately reſt, ſeems never to have been brought into contemplation. Rouſſeau ſays, "Every change in the cuſtoms of a nation, however advantageous in other reſpects, is always prejudicial to morals. Cuſtoms are the morals of the people: when they ceaſe to reſpect their ancient cuſtoms, there remains no reſtraint upon their paſſions, except the laws, which may reſtrain vicious actions, but cannot reform vicious men. A people who have any morals, and conſequently reſpect

" reſpect the laws, cannot be too much upon their " guard againſt the ſpecious and dogmatical max- " ims of philoſophers, which, by leading them to " deſpiſe the laws and cuſtoms of their country, lead " to general and inevitable corruption of man- " ners."—" The moſt important of all laws, that " which is written neither on marble nor on braſs, " but on the hearts of the people, which forms " the true CONSTITUTION of a ſtate, which acquires " every day new force, which, when the other " laws become ineffectual or obſolete, reſtores " them or ſupplies their place, which preſerves in " a nation the ſpirit of its conſtitution, and inſenſi- " bly ſubſtitutes the force of habit in the place of " authority, this powerful and ſolid law is the man- " ners, the cuſtoms, and above all the opinions of " the people."

Sir Brooke Boothby.

The real patriots in France, and numerous I believe they are, ſeem to be animated with as pure a zeal as has at any time warmed the human breaſt. But let them remember, that, with the beſt intentions, their honeſt ardour lays them conſtantly open to be practiſed upon by artful hypocrites or hot-brained enthuſiaſts. Let them above all beware of thoſe who flatter their darling paſſion with too general or extravagant panegyric. Were it my place to offer them advice, I ſhould earneſtly recommend to their particular attention at this moment, the following ſage obſervations from their own immortal Monteſquieu :

Sir Brooke Boothby.

" The democratical principle is corrupted, not " only when the ſpirit of equality is loſt, but when " a ſpirit of extreme equality is introduced, and " every man will be equal with thoſe he has choſen " to command him. It is then that the people, " not being able to endure the power they have " confided, will do every thing themſelves, deli- " berate for the ſenate, execute for the magiſtrates, " and deprive all the judges. In this ſtate of " things there is no more any virtue in the re- " public. The people will perform the functions " of the magiſtrates, who are no longer reſpected. " The deliberations of the ſenate have no longer " any weight; no more regard is therefore ſhewn " to the ſenator, nor conſequently to elders.— " Where there is no reſpect for age, there will be " none for fathers; huſbands will merit no de- " ference, and maſters no ſubmiſſion. A general " licentiouſneſs will prevail; the reſtraint of com- " manding will fatigue like that of obedience.— " Women, children, ſervants, will be under no " ſubordination. There will be neither morals " nor love of order, nor in fine any virtue.

" There is in the *Banquet of Xenophon* a very " natural and ſimple picture of a republic where " equality has been carried to exceſs. Each gueſt " gives in his turn the reaſon why he is ſatisfied " with himſelf. ' I am ſatisfied with myſelf,' ſays " Chamides, ' on account of my poverty. When " I was rich, I was obliged to pay court to the

" evil-

" evil-ſpeakers, well knowing that they might " hurt me more than I could hurt them. The re- " public was always demanding from me ſome new " ſum; I could not abſent myſelf. Since I am " poor, I have acquired authority; nobody threatens " me, and I threaten others: I may go or ſtay. " Already the rich riſe from their ſeats to give " place to me. I am a king—I was a ſlave. I " paid a tribute to the republic; now it keeps " me. I no longer fear to loſe; I hope to gain."

Sir Brooke Boothby.

" Democracy has then two exceſſes to be avoid- " ed; the ſpirit of inequality, which leads to ariſto- " cracy, or to the government of one; and the ſpirit " of extreme equality, which leads to the deſpotiſm " of one, as the deſpotiſm of one finiſhes by con- " queſt.

" As far diſtant as it is from heaven to earth, ſo " far is the true ſpirit of equality from the ſpirit of " extreme equality. The former does not conſiſt " in eſtabliſhing that all ſhall command, and none " be commanded, but in the obedience and com- " mand of equals. It does not ſeek to have no " maſters, but to have equals for maſters.

" In the ſtate of nature men are born in equality, " but they cannot remain in it. Society deprives " them of it, and they can become equal over " again only by the laws.

" Such is the difference between a regulated de- " mocracy and one that is not, that in the firſt men " are equal only as citizens; and in the latter they

Sir Brooke Boothby.

" are alſo equal as magiſtrates, as ſenators, as " judges, as fathers, as huſbands, as maſters.

" THE NATURAL PLACE OF VIRTUE IS BY THE " SIDE OF LIBERTY, BUT SHE WILL NO MORE BE " FOUND WITH EXTREME LIBERTY THAN WITH " SERVITUDE*."

God forbid that this ſtrong picture, " *cette peinture* " *bien naïve*," ſhould ever become the portrait of the revolution in 1790! But when we ſee an armed populace dictating to the municipalities, and the municipalities to the legiſlature; clubs aſſuming a control over the aſſembly of repreſentatives, and the executive power without force or authority; there is ſurely but too much reaſon to be alarmed for the event.

I have lately had an opportunity of looking in the faces, and liſtening to the diſcourſes, of the people of France; and under the exultation of ſucceſs, ſtrong marks of diſappointment and diſcontent may be plainly diſcerned. Thoſe who conducted them in the revolution ventured upon the dangerous expedient of raiſing expectations impoſſible to be fulfilled. At the ſame time that they reſted the force of the government upon public opinion only, they excited that opinion by means that muſt preſently fail, by promiſes they are unable to perform. They have placed their only treaſure in a fund which muſt neceſſarily ſink; and as it is the nature of the people every where,

* Eſp. des Lois, l. viii. chap. ii, iii.

and

and particularly of the people in queſtion, to love extremes, the leaſt abaſement may lead to bankruptcy. The opinion of the people is a neceſſary ſupport to all government, but a bad excluſive foundation of government, becauſe it is for ever liable to be miſtaken or miſled; ſo that ſuch a government can have no permanency, conſequently no force; and a weak government muſt always be among the worſt of governments, let its form or denomination be what it will. Where the laws cannot be enforced, inſtead of protection they will only furniſh additional means of oppreſſion; they will be executed by the ſtrong againſt the weak, whether by an armed populace againſt the higher orders, or by the higher orders againſt a depreſſed people, or by ſubdiviſions or perſons againſt other ſubdiviſions or other perſons, and the ſtate will ſuffer the miſeries of ſervitude without the advantages of ſubordination. Sir Brooke Boothby.

In all political aſſociations, where the right to *excluſive property* is admitted as a fundamental principle, the contradictory principle of the *equality of man* cannot be admitted at the ſame time; and as the neceſſary conſequences of a principle muſt be admitted with the principle, inequality of conditions, neceſſarily reſulting from inequality of property, muſt alſo be admitted. Governments admitting the inequality of poſſeſſions may be divided into two ſorts. In one, the owner of more land than he can occupy himſelf employs others to cultivate it for his benefit, upon condition of allowing

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lowing them a certain portion of the produce, adequate to the value of their labour eſtimated by the means of their ſubſiſtence. Here the inequality between the perſon who gives and the perſon who receives is in a great meaſure balanced by the mutual need they have of each other: as long as this reciprocity of intereſt is maintained, the inequality is but little felt; the choice and the acceptance are both voluntary, and no immediate perſonal dependence is eſtabliſhed; and if the ſhare the labourer or manufacturer is admitted to is equal to his neceſſities, I believe, in this ſtate of things, the happineſs which depends upon ſociety is as equally diſtributed as the nature of ſociety admits of: for equality of *happineſs*, the only equality worth contending for, does not conſiſt in equality of conditions, becauſe happineſs does not proceed from conditions; and when we conſider that all animals ſeem to have been deſtined by nature to obtain their food by labour, and that the ordinances of nature are never tranſgreſſed with impunity, we ſhall be apt to think that there is much leſs difference in the ſum of happineſs, between thoſe who labour and thoſe who reſt, than is commonly ſuppoſed.

In governments where the inequalities of conditions proceed by inſenſible gradations, and are united to each other by reciprocal benefits; where the moral dependencies are mutual, and conſequently perſonal dependence is null; where the ſpirit of inequality of poſſeſſions is corrected by the

ſpirit

ſpirit of equality in the law; and where a great majority of the whole have a real ſhare in the benefits of the world, men are immenſe gainers by ſociety, which, by increaſing their numbers, and multiplying their means, adds infinitely to the common exiſting ſum of happineſs. Sir Brooke Boothby.

There is another order, or rather *diſorder* of things, where inſtead of equal law men are governed by the arbitrary wills of men, and the ſacred name of law is impiouſly proſtituted to partial and oppreſſive declarations of power; where one man commands the ſervices of another, without admitting him to any ſhare in the benefit he is employed to produce. Every government which ſupports this extreme inequality is a monſtrous evil; and where this abominable principle is carried ſo far, that *the many* are devoured by *the few*, a ſociety ſo conſtituted is the greateſt curſe with which humanity can be viſited. To ſuch a nation, debaſed below the power of reſiſtance, a plague or an earthquake is a deſirable cataſtrophe.

People of England! you are of all nations the happieſt, while you know your own happineſs: you enjoy a greater ſhare, and a more equal proportion, of the comforts and conveniencies of life than perhaps any people have ever done before. Your property is ſecure, and your perſons free: you owe ſubmiſſion to the law, but ſubjection to no man: you may freely ſpeak and freely act all that a wiſe man can wiſh to ſay, or a good man to do: you are bound by laws equal and mild, and

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honeſtly adminiſtered: your government is all powerful under the law, and without force againſt the law. The voice of the nation alone, when diſtinctly heard, is always of ſufficient energy to repeal every abuſe, and to conſtrain every neceſſary reform. You have reputation and plenty and peace! Hail, happy land! fertile in the gifts of nature; fertile in men worthy to enjoy them!

> Salve, magna parens frugûm, Saturnia tellus,
> Magna virûm—

So long as you remain true to yourſelves, neither fraud nor force ſhall prevail againſt you. When you fall, it muſt be by your own hand. If you ſuffer the corruption of venality to poiſon every ſource of public virtue, remember that the ſeller is ſtill more deſpicable than the purchaſer in this infamous traffic. If you allow the manly lines with which a hardy climate and a free conſtitution have marked your national character, to be defaced and obliterated by I know not what apiſh effeminacy of manners under the name of faſhion, know that laws without morals are empty forms; that liberty diſdains to inhabit a nation enervated with petty luxuries and frivolous purſuits. If you learn from the vain babble of ſophiſts to deſpiſe the plain virtues of your fathers, you will be deſpiſed in your turn by your ſons, a ſtill more profligate generation. When a greedy ambitious miniſter gulls you into fooliſh confidence, or an impudent juggler impoſes upon your ſimple credulity, they do no

:han follow their trade: but you, when you :o eat the bitter fruit of your folly, will ex- ɪrn, but no commiſeration; for though am- may have ſomething of eclat, and hypocriſy ıing of ingenuity, the ſtupid imbecility of a ; dupe has nothing to oppoſe to the con- ınd ridicule of mankind.

Sir Brooke Boothby.

DR.

Dr. PRIESTLEY.

Letters to Mr. Burke.

CONSIDERING how much has been written on the ſubject of *government* ſince the revolution in this country, an event which more than any thing elſe contributed to open the eyes of Engliſhmen, with reſpect to the true principles of it, it is not a little extraordinary that any man of reading and reflection, as you are, ſhould depart from them ſo much as you have done.

To vindicate this revolution, lord Somers, biſhop Hoadley, Mr. Locke, and many others, have laid it down as a maxim, that all power in any ſtate is derived from the people, and that the great object of all government is the public good. As a conſequence from theſe fundamental principles, they maintain that all magiſtrates, being originally appointed by the people, are anſwerable to them for their conduct in office, and removable at their pleaſure. The right of reſiſting an oppreſſive government, that is, ſuch as the people ſhall deem to be oppreſſive, they hold moſt ſacred.

You, ſir, do not directly, and in ſo many words, deny theſe great principles of all government, or the general concluſion drawn from them. In fact, you admit them all, when you allow that "civil "ſociety is made for the advantage of man." But you advance what is really inconſiſtent with theſe leading

leading principles, and you would tie up our hands from making any effectual uſe of them. You ſeem to have forgotten what you muſt have formerly learned; but it is too late for *us* to go to ſchool again, and relearn the firſt elements of political ſcience. What our predeceſſors took great pains to *prove*, we now receive as *axioms*, and without heſitation act upon them. Dr. Prieſtley.

To make the *public good* the ſtandard of right or wrong, in whatever relates to ſociety and government, beſides being the moſt natural and rational of all rules, has the farther recommendation of being the eaſieſt of application. Either what *God has ordained*, or what *antiquity* authoriſes, may be very difficult to aſcertain; but what regulation is moſt conducive to the *public good*, though not always without its difficulties, yet in general it is much more eaſy to determine. But ſuppoſe a nation ſhould never have had a free government, or could not prove that they ever had one, are they for that reaſon always to continue ſlaves? Would it be unlawful or wrong in the Turks to do what the French nation has now done?

You treat with ridicule the idea of the *rights of men*, and ſuppoſe that mankind, when once they have entered into a ſtate of ſociety, neceſſarily abandon all their proper *natural rights*, and thenceforth have only ſuch as they derive from ſociety. "As to the ſhare of power," you ſay, "authority "and direction, which each individual ought to "have in the management of the ſtate, that I muſt "deny

Dr. Prieſtley. "deny to be among the direct original rights of "man in civil ſociety; for I have in my contem- "plation the civil, ſocial man, and no other. It "is a thing to be ſettled by convention."

But what does this *convention* reſpect, beſide the ſecure enjoyment of ſuch *advantages*, or *rights*, as have been uſually termed *natural*, as life, liberty, and property, which men had *from nature*, without ſocieties or artificial combinations of men? Men cannot, ſurely, be ſaid to *give up* their natural rights by entering into a compact for the better ſecuring of them. And if they make a wiſe compact, they will never wholly exclude themſelves from all ſhare in the adminiſtration of their government, or ſome control over it; for without *this* their ſtipulated rights would be very inſecure.

However, ſhould any people be ſo unwiſe as to leave the whole adminiſtration of their government, without any expreſs right of control, in the hands of their magiſtrates, if thoſe magiſtrates do not give the people what they deem to be an equivalent for what they gave up for the accommodation of others, they are certainly at liberty to conſider the original compact as broken. They then revert to a ſtate of nature, and may enter into a new ſtate of ſociety, and adopt a new form of government, in which they may make better terms for themſelves.

It is one of the moſt curious paradoxes in this work of yours, which abounds with them, that the

rights

rights of men above mentioned (called by you, "the "pretended rights of the French theoriſts), are all "extremes; and in proportion as they are meta- "phyſically true, they are morally and politically "falſe." Now by *metaphyſically* true can only be meant *ſtrictly* and *properly* true; and how this can be in any ſenſe *falſe*, is to me incomprehenſible. If the abovementioned rights be the *true*, that is, the *juſt* and *reaſonable* rights of men, they ought to be provided for in all ſtates, and all forms of government; and if they be not, the people have juſt cauſe to complain, and to look out for ſome mode of redreſs. Dr. Prieſtley.

You ſtrongly reprobate the doctrine of *kings being the choice of the people*, a doctrine advanced, but not firſt advanced, by Dr. Price in his revolution ſermon. "This doctrine," you ſay, "as applied "to the prince now on the Britiſh throne, is either "nonſenſe, and therefore neither true nor falſe, or "it affirms a moſt unfounded, dangerous, illegal, "and unconſtitutional poſition. According to this "ſpiritual doctor of politics, if his majeſty does "not owe his crown to the choice of his people, he "is no *lawful king*, &c."

On the ſame principle you equally reprobate the doctrine of the king being the *ſervant of the people*, whereas the law, as you ſay, calls him *our ſovereign lord the king* *. But ſince you allow, that "kings

* This title of *ſovereign lord*, derived from the feudal ſyſtem, given to a king of England, is by no means agreeable to the na-

Dr. Prieſtley.

" kings are in one ſenſe undoubtedly the ſervants " of the people, becauſe their power has no other " rational end than that of the general advan- " tage," it is evident, that it is only Dr. Price's *words* that you quarrel with. Your *ideas* are, in fact, the very ſame with his, though you call his doctrine, not only *unconſtitutional*, but *ſeditious*; adding, that " it is now publicly taught, avowed, " and printed;" whereas it was taught, avowed, and even printed, before either you or Dr. Price was born.

Has not the chief magiſtrate in every country, as well as the chief officer in every town, a certain *duty* to perform, with certain emoluments and *privileges* allowed him in conſideration of the proper diſcharge of that duty? And if the town officer, though having chief authority in his diſtrict, yet in conſequence of being *appointed* and *paid* for his ſervices by the town, is never conſidered in any other light than that of the *ſervant of the town*; is not the chief magiſtrate in any country, let him be called *ſovereign*, *king*, or what you pleaſe (for that is only a name), the *ſervant of the people?* What real difference can there be in the two caſes? They each diſcharge a certain duty, and have a certain ſtipulated reward for it. The office being *hereditary*, makes no real difference. In our laws, and thoſe of other nations, there are precedents enow

ture and ſpirit of our preſent conſtitution, which is a *limited monarchy*, and not *unlimited*, as that title implies. Our only proper *ſovereign* is the parliament.

of

of men's whole eſtates being confiſcated for crimes; and this of courſe excludes the heir. Dr. Prieſtley.

If, as you expreſsly acknowledge, the only rational end of the power of a king is the *general advantage*, that is, the *good of the people*, muſt not the people be of courſe the judges, whether they derive advantage from him, and his government, or not? that is, whether they be well or ill *ſerved* by him? Though there is no expreſs, there is, you muſt acknowledge, a virtual *compact between the king and the people*. This, indeed, is particularly mentioned in the act which implies the abdication of king James, though you ſay it is *too guarded and too circumſtantial*; and what can this compact be, but a ſtipulation for protection, &c. on the part of the king, and allegiance on the part of the people? If, therefore, inſtead of *protection*, they find *oppreſſion*, certainly allegiance is no longer due. Hence, according to common ſenſe, and the principles of the revolution, the right of a ſubject to reſiſt a tyrant and dethrone him; and what is this, but in other words, ſhocking as they may ſound to your ears, diſmiſſing or *caſhiering a bad ſervant*, as a perſon who had abuſed his truſt?

So faſcinating is the ſituation in which our kings are placed, that it is of great importance to remind them of the true relation they bear to *the people*, or, as they are fond of calling them, *their people*. They are too apt to imagine that their rights are independent of the will of the people, and conſe-

Dr. Prieſtley.

quently, that they are not accountable to them for any uſe they may make of their power; and their numerous dependents, and eſpecially the clergy, are too apt to adminiſter this pleaſing intoxicating poiſon. This was the ruin of the Stuarts; and it is a danger that threatens every prince, and every country, from the ſame quarter. Your whole book, ſir, is little elſe than a vehicle for the ſame poiſon, inculcating, but inconſiſtently enough, a *reſpect for princes*, independent of their being originally the choice of the people—as if they had ſome natural and indefeaſible right to reign over us, they being born to command, and we to obey; and then, whether the origin of this power be *divine*, or have any other ſource independent of the people, it makes no difference to us.

Mr.

Mr. CAPEL LOFFT.

PARTIAL admiſſibility to civil truſt—partial ſhare in the rights of repreſentation—partial allowance of the exerciſe of religious freedom, ſeem all with Mr. Burke to ſolve themſelves into legitimate and eaſy reſults of a ſuppoſed ſurrender of the rights of the individual to the diſpoſal of ſociety, and of ſociety to the diſpoſal of the government it has been pleaſed to conſtitute. Remarks on the Letter of Mr Burke.

A ſurrender in truſt of the whole *, even of factitious property, to preſerve a part, is a compact ſo unequal as rarely to be neceſſary; but a ſurrender of primary independent rights, to preſerve ſecondary and adventitious rights, the whole of natural liberty for a precarious portion of civil, is an imaginary compact ſo replete with more than paradox, ſo incompatible with every idea of reaſon and juſtice, that the wildeſt imagination never created ſuch a chimera. If it were a novel thought, its ſtrangeneſs might be ſuppoſed a ſacrifice of reaſon to the ſeductions of the marvellous; but after the arguments repeatedly adduced to prove it deſtitute of all poſſible foundation, I quit it without reluctance, for the plain opinion which has nothing in it to ſurpriſe, that man, by uniting himſelf to civil ſociety, reſigns no rights, but ſuch as are in-

* P. 88.

Mr. Capel Lofft.

conſiſtent with the end of ſuch ſociety. He remains judge in his own cauſe in all thoſe inſtances, and they are many and of prime importance, in which it is impoſſible ſociety ſhould judge for him. He remains with his full right of ſelf-defence; ſuſpending only the exerciſe where he is more effectually defended by ſociety. He remains his own governor, by the right he has to ſhare in the formation of thoſe laws which are to govern the community, of which he is a part; he retains his right of determining what is juſt, univerſally in opinion, and in many caſes in practice, where the law cannot interfere; and where he ſubmits to deciſions which he thinks otherwiſe than juſt, it is in conformity to two principles, independent of any poſitive ſanction, that it is juſt to ſuffer a particular inconvenience, rather than to refer every thing to private intereſted opinion; that it is juſt, having ſubmitted to make ſociety the arbiter of differences (without which ſubmiſſion ſociety could not exiſt), to acquieſce in the deciſions which ſociety ſhall make.

The diſtinction does not reſt in theory: for if there are *natural* rights which do not enter into the depoſit, as being out of the competence of ſociety, theſe rights, clearly aſcertainable by their characteriſtic differences, can by no colour of claim be brought under the authority of municipal law: and indeed, thoſe which are held in truſt (the ſuſpenſion of the ordinary exerciſe of them by the individual being neceſſary for the peace and order of the

the community) may be rather ſaid to be held by the government, in truſt for the ſociety and the individual, than directly by the ſociety at large. If, therefore, any part of the government tranſgreſſes, or neglects this truſt, the delinquency muſt be examined before the appropriated judicial authority. And this is the moſt diſtinct idea which occurs to my apprehenſion, of the nature of the implied compact between the individual and ſociety; of the tacit reſervation of rights not within the cognizance, or not within the ſcope of ſociety; and of the manner in which thoſe rights, which are depoſited in truſt, may be conſidered to be veſted, ſo as to ſecure the neceſſary reſponſibility, if that truſt be violated;—adding only, that if it be violated by thoſe who repreſent the power and will of the ſociety itſelf, the redreſs can only be by the extraordinary and collective interpoſition of the community as ſuch. Mr. Capel Loffr.

From ſuppoſing a ſurrender of the whole rights of the individual to ſociety, Mr. Burke ſeems to paſs to a ſuppoſition equally ill founded, and if poſſible a more harſh idea, aſſuredly more obnoxious to frequent miſchief in the practice, a ſurrender of the whole rights of ſociety to certain governing individuals. The firſt ſurrender was preſumed neceſſary, to prevent the paſſions of the individual from breaking the order of ſociety (though that prevention, ſo far as it is practicable, is beſt ſecured by ſuppoſing him to have ſurrendered no rights, but thoſe which he cannot exerciſe without

Mr. Capel Lofft.

diſturbance to ſociety). The ſecond is preſumed neceſſary to prevent the will and paſſions of the ſociety from acting irregularly and detrimentally; and this, it is ſaid, is only to be done by "a power "*out of themſelves*, and not, in the exerciſe of its "functions, ſubject to that will and to thoſe paſ- "ſions which it is its office to bridle and ſubdue." But as this power, extrinſic to the maſs, is an human power, artificially and conventionally alone ſeparated from the ſociety of which it was an indiſtinguiſhable part, previous to its appointment, if it has ſtrength committed to it to bridle and ſubdue the whole, by what ſhall itſelf be ſubjected to reſtraint? and do not all partial intereſts and paſſions, incompatible with general good, act with greateſt and moſt permanent force in the production of evil, when ſmall and inſulated maſſes are expoſed to their influence? There is in the general aggregate a common ſympathy, a temperament of partial intereſts and prejudices, which is not to be expected from detached claſſes, actuated by the *eſprit de corps*, and ſurrounded with temporary and local objects, often more relative to their particular ſituation than to the general welfare.

It ſeems, therefore, that it is not by ſetting as a guardian and controller over the public will, the will of a detached body, that the tranquillity and welfare of the community will be beſt promoted; but rather by miniſtering the feweſt incitements to partial intereſts, ſuch as delegation of

power

ower not fully and freely flowing from the ge- Mr. Capel Loffft.
eral ſource, but derived from a partial channel,
the qualities of which it will partake; ſuch
gain, as long continuance of power in the ſame
ands; political privileges to particular claſſes,
ot eſſentially promotive of general benefit; liabi-
ty to deciſions on ſudden and occaſional induce-
ents of eloquence or cabal, to be immediately
xecuted, without deliberative reſtraint, by the
nterpoſal of a diſtinct body, not likely to be im-
reſſed at the ſame time by the ſame partial in-
luences directed to the ſame point; excluſion of
ny part of the community from the common in-
ereſts, and from admiſſibility to the common
unctions, without crime; eſtabliſhment of a mi-
itary body, or of any order, which by wealth,
or direct power, or influence on the public opi-
nion, can affect the general operations of ſociety,
detached and contradiſtinguiſhed from the general
intereſts; inſtead of leaving the defence, the in-
ſtruction, and the honorary diſtinctions of the
ſtate, to circulate as freely as circumſtances can
admit, according to the natural or acquired powers
of its members. But as, in every flouriſhing and
long ſubſiſting ſociety, continued proſperity and
eminent deſert, in certain families, will always
tend to ſomething of ariſtocratical intereſt; accu-
mulation of wealth, by commerce or manufac-
ture, in others, in a remarkable degree, to an
oligarchy, and theſe will require to be con-
trolled by the equal virtue and ſocial ſpirit of a
democracy,

Mr. Capel Lofft.

democracy, which alſo requires to have its tendency to unadviſed determination balanced by the gravity and prudence of the other deſcriptions; theſe powers and principles kept in their due diſtinctneſs, and the preponderancy preſerved to the more general intereſts, without hazarding the ſecurity of the others, give the elements and form of a conſtitution, which unites the largeſt portion of ſtability, efficiency, private ſecurity, and public freedom. It is manifeſt, it will partake more largely of the democratic than of any other character, as the popular intereſts are, both in extent and importance, of the chief conſideration; though every intereſt which can have place in a free ſtate, without prejudice to its freedom, ought to be ſufficiently protected. This is the only notion I have of juſtifiable, or ſafe and permanently effectual means to bridle and ſubdue all partial intereſts, ſo as to prevent any irregular will from obtaining an aſcendance to the detriment of ſociety. And it is only by ſuch aſcendance, that the will of the general maſs, diſintereſted, pure, generous, and tranquil, of itſelf, becomes intereſted, corrupt, ſelfiſh, turbulent, deſtructive.

Mr. G. ROUS.

Letter to the Right Hon. Edmund Burke.

IT muſt be confeſſed, that Mr. Burke takes the ſingle ground which his preſent ſyſtem admits. He reprobates "the viſionary theories of the "rights of man." He treats them with deriſion and contempt; "the blurred and blotted pieces "of paper about the rights of man." Mr. Burke does not, indeed, deny the exiſtence of natural rights; that is, the claims of juſtice, deduced by reaſon from the relations in which God has placed us: but theſe, according to Mr. Burke's ſyſtem, refer wholly to a period antecedent to all civil government. After all the diſcuſſion the ſubject has undergone, this ſentiment Mr. Burke gives us as his final judgment. "To cloſe all—the *pretended* "rights of man, which have made this havoc, "*cannot* be the rights of the people: *for to be a* "*people, and to have theſe rights*, are things *im-*"*poſſible:* the one ſuppoſes the *preſence*, the other "the *abſence* of a ſtate of civil ſociety."

It ſeems to follow as a neceſſary conſequence from this wild poſition, that all the admirable works which have inſtructed mankind in the principles of natural juſtice, in the philoſophy of law and government, were the labours of viſionaries, *in any ſtate perfectly uſeleſs*:—for ſince theſe rights cannot poſſibly exiſt but in the *abſence of civil ſociety*, and man in that condition (if, indeed, ſuch a condition as the *total abſence of civil ſociety* ever did exiſt) muſt

Mr. Rous. muſt have been a rude unlettered animal, wholly incapable of comprehending theſe viſionary theories, it ſeems to follow that theſe ſpeculations can have no other tendency but to *miſlead man from his ſocial duty*. Mr. Burke has moſt explicitly declared, that the rights of man in ſociety "cannot "be ſettled on any *abſtract rule*; and nothing is "ſo *fooliſh as to diſcuſs them upon that principle.*"

Though I am fully entitled to urge the *abſurdity* of a neceſſary concluſion as an argument againſt *the truth of his principle*, yet I am willing to ſtate his reaſoning with the *arbitrary limitations* he himſelf will impoſe. He, perhaps, will tell us, that ſuch works may be extremely uſeful to inſtruct the *initiated* in the arts of government, princes, courtiers, and members of parliament, in *their duties*; the performance of which the people have no right to exact. Poſſibly, if diſpoſed to concede, he may add, that he quarrels only with our application of theſe principles, as the ſtandard of civil rights, as the meaſure of civil duties; that this miſapplication is the *audacious novelty* which he reprobates as *imported from France*, and with which we "are now endeavouring to work the "deſtruction of the crown of this kingdom, and "the whole of its conſtitution."—A ſimple ſtatement of a ſingle fact will refute this calumny. A philoſopher of no mean name, in the cloſe of a moral treatiſe, the firſt, perhaps, in merit which any age or nation has produced, ſtates, as the reſult of his reaſoning, preciſely the idea which

the

the French have attempted to execute. After observing the inequalities which "the *intereſt* of "the government"—"the *intereſts of particular* "*orders* of men who tyranniſe the government"—"the rudeneſs or barbariſm of the people," or "the unfortunate conſtitution of their courts of "judicature," have produced in the laws of all nations—he propoſes as the remedy "a ſyſtem "of what might properly be called natural juriſ- "prudence, or a theory of the *general principles* "*which ought to run through, and be the foundation* "*of, the laws of all nations.*" The whole paſſage is curious, and worth tranſcribing; and, whether the reaſoning be admitted or rejected, equally diſproves the charge of importing, as an audacious novelty from Paris, the opinion, that *natural rights* ought to be the foundation of all laws and of all government. Mr. Rous.

"Every ſyſtem of poſitive law," ſays doctor Adam Smith, "ought to be regarded as a more "or leſs imperfect attempt towards a ſyſtem of "*natural juriſprudence*, or towards *an enumeration of* "*the particular rules of juſtice.* As the violation "of juſtice is what men will never ſubmit to from "one another, the public magiſtrate is under a "neceſſity of employing the power of the com- "monwealth to enforce the practice of this virtue. "Without this precaution civil ſociety would be- "come a ſcene of bloodſhed and diſorder, every "man revenging himſelf at his own hand whenever "he fancied he was injured. To prevent the con-

"fuſion

Mr. Rous. " fuſion which would attend upon every man's
" doing juſtice to himſelf, the magiſtrate, in all
" governments that have acquired any conſider-
" able authority, undertakes to do juſtice to all,
" and promiſes to hear and to redreſs every com-
" plaint of injury. In all well-governed ſtates
" too, not only judges are appointed for deter-
" mining the controverſies of individuals, but
" rules are preſcribed for regulating the deciſions
" of thoſe judges; and *theſe rules are in general*
" *intended to coincide with thoſe of natural juſtice.*
" It does not, indeed, always happen that they do
" ſo in every inſtance. Sometimes, *what is called*
" *the conſtitution of the ſtate*, that is, the *intereſt*
" *of the government*; ſometimes the *intereſt of par-*
" *ticular orders of men*, who tyranniſe the govern-
" ment, warp the poſitive laws of the country
" *from what natural juſtice would preſcribe.* In
" ſome countries, the rudeneſs and barbariſm of
" the people hinder *the natural ſentiments of juſtice*
" from arriving at that accuracy and preciſion
" which, *in more civiliſed nations*, they naturally
" attain to. Their laws are like their manners,
" groſs, rude, and undiſtinguiſhing. In other
" countries, the unfortunate conſtitution of their
" courts of judicature hinders any regular ſyſtem
" of juriſprudence from ever eſtabliſhing itſelf
" among them, though the improved manners of
" the people may be ſuch as would admit of the
" moſt accurate. In no country do the deciſions
" of poſitive law coincide exactly, in every caſe,

" with

" *with the rules which the natural ſenſe of juſtice* Mr. Rous.
" *would dictate. Syſtems of poſitive law*, therefore,
" though they deſerve the greateſt authority as the
" records of the ſentiments of mankind in differ-
" ent ages and nations, yet can never be regarded
" as accurate *ſyſtems of the rules of natural juſtice.*

" It might have been expected that the *reaſon-*
" *ings of lawyers* upon the different imperfections
" and improvements of the laws of different coun-
" tries, *ſhould have given occaſion to an enquiry into*
" *what were the natural rules of juſtice, independent*
" *of all poſitive inſtitution.* It might have been
" expected that *theſe reaſonings* ſhould have led
" them to *aim at eſtabliſhing a ſyſtem of what might*
" *properly be called natural juriſprudence, or a theory*
" *of the general principles which ought to run through,*
" *and be the foundation of, the laws of all nations.*
" But though the reaſonings of lawyers did produce
" *ſomething of this kind*, and though *no man* has
" treated ſyſtematically of the laws of any parti-
" cular country, without intermixing in his work
" *many obſervations of this ſort*, it was very late in
" the world before *any ſuch general ſyſtem was thought*
" *of*, or before the philoſophy of law was treated
" of by itſelf, and without regard to the particular
" inſtitutions of any one nation. In none of the
" ancient moraliſts do we find an attempt towards
" a particular enumeration of the rules of juſtice.
" Cicero in his Offices, and Ariſtotle in his Ethics,
" treat of juſtice in the ſame general manner in
" which they treat of all the other virtues. In

Mr. Rous. " the laws of Cicero and Plato, where we might
" naturally have expected ſome attempts towards
" an enumeration of *thoſe rules of natural equity*
" *which ought to be enforced by the poſitive laws of*
" *every country*, there is, however, nothing of this
" kind. Their laws are laws of police, not of
" juſtice. Grotius ſeems to have been the firſt
" who attempted to give the world any thing like
" *a ſyſtem of thoſe principles which ought to run*
" *through, and be the foundation of, the laws of all*
" *nations*; and his treatiſe of the Laws of War and
" Peace, with all its imperfections, is, perhaps,
" at this day, the moſt complete work that has
" yet been given upon this ſubject. I ſhall in an-
" other diſcourſe endeavour to give an account
" of the general principles of law and government,
" and of the different revolutions they have un-
" dergone in the different ages and periods of ſo-
" ciety, not only in what concerns juſtice, but in
" what concerns police, revenue, and arms, and
" whatever elſe is the object of law. I ſhall not,
" therefore, at preſent enter into any farther de-
" tail concerning the hiſtory of juriſprudence."

DECLARATION OF THE RIGHTS OF MAN AND OF CITIZENS,

BY THE NATIONAL ASSEMBLY OF FRANCE.

" THE repreſentatives of the people of France,
" formed into a national aſſembly, conſidering
" *that ignorance, neglect, or contempt of human rights,*
" are the *ſole cauſe of public misfortunes and cor-*

" *ruptions*

ions of government, have reſolved to ſet forth, Mr. Rous.
ſolemn declaration, *theſe natural, impreſcrip-*
, and unalienable rights: that this declaration
g conſtantly preſent to the minds of the
ıbers of the body ſocial, they may be ever
: attentive *to their rights and their duties:*
the acts of the legiſlative and executive
ers of government, being capable of being
y moment compared *with the end of political*
utions, may be more reſpected: and alſo, that
future claims of the citizens, being directed
ımple and inconteſtable principles, may al-
s tend to the maintenance of the conſtitution,
the general happineſs.

'or theſe reaſons the national aſſembly doth
ɔgnize and declare, in the preſence of the
ıreme Being, and with the hope of his bleſſing
favour, the following ſacred rights of men
of citizens:

. Men are born, and always continue, free,
equal *in reſpect of their rights.* Civil diſ-
ɪtions, therefore, can be founded only on
ɔlic utility.

I. The *end of all political aſſociations* is the
ervation of the natural and impreſcriptible rights
nen; and theſe rights are liberty, property,
ɹrity, and reſiſtance of oppreſſion.

III. The nation *is eſſentially the ſource of all*
ereignty; nor can any individual, or any
ɟy of men, be entitled to any authority which
not expreſsly derived from it.

Mr. Rous.

" IV. Political liberty conſiſts in the power " of doing whatever does not injure another. " *The exerciſe of the natural rights of every man has* " *no other limits than thoſe which are neceſſary to* " *ſecure to every other man the free exerciſe of the* " *ſame rights; and theſe limits are determinable only* " *by the law.*

" V. The law ought to prohibit only actions " hurtful to ſociety. What is not prohibited by " the law ſhould not be hindered; nor ſhould " any one be compelled to that which the law " does not require.

" VI. The law is an expreſſion of the will " of the community. All citizens have a right " to concur, either perſonally or by their repre- " ſentatives, in its formation. *It ſhould be the* " *ſame to all, whether it protects or puniſhes; and all* " *being equal in its ſight, are equally eligible to all ho-* " *nours, places, and employments, according to their* " *different abilities, without any other diſtinction than* " *that created by their virtues and talents.*

" VII. No man ſhould be accuſed, arreſted, or " held in confinement, except in caſes determined " by the law, and according to the forms which " it has preſcribed. All who promote, ſolicit, " execute, or cauſe to be executed, arbitrary or- " ders, ought to be puniſhed; and every citizen " called upon or apprehended by virtue of the " law, ought immediately to obey, and renders " himſelf culpable by reſiſtance.

" VIII. The law ought to impoſe no other

" penalties

ties but ſuch as are abſolutely and evi- Mr. Rous.
y neceſſary; and no one ought to be pu-
d, but in virtue of a law promulgated before
fence, and legally applied.

. Every man being preſumed innocent till
s been convicted, whenever his detention
nes indiſpenſable, all rigour to him, more
is neceſſary to ſecure his perſon, ought
provided againſt by the law.

No man ought to be moleſted on account of
inions, not even on account of his religious
ons, provided his avowal of them does not
b the public order eſtabliſhed by the law.

. *The unreſtrained communication of thoughts*
pinions being one of the moſt precious rights of
every citizen may ſpeak, write, and pub-
freely, provided he is reſponſible for the
of this liberty in caſes determined by the

I. *A public force being neceſſary to give ſe-*
to the rights of men and of citizens, that
is inſtituted *for the benefit of the community*,
ot for the *particular benefit of the perſons*
whom it is entruſted.

II. A common contribution being neceſ-
for the ſupport of the public force, and for
ying the other expences of government,
ght to be divided equally among the mem-
of the community according to their abi-

IV. Every citizen has a right, either by

Mr. Rous. " himſelf or his repreſentative, to a free voice in " determining the neceſſity of public contribu- " tions, the appropriation of them, and their " amount, mode of aſſeſſment, and duration.

" XV. Every community has a right to de- " mand, of all its agents, an account of their con- " duct.

" XVI. Every community, in which a ſepara- " tion of powers and a ſecurity of rights are not " provided for, wants a conſtitution.

" XVII. The right to property being invio- " late and ſacred, no one ought to be deprived " of it, except in caſes of evident public neceſſity, " legally aſcertained, and on condition of a pre- " vious juſt indemnity."

I have ſubjoined the French declaration of the rights of man and of citizens to the liberal ſentiments of our Engliſh philoſopher, publiſhed nearly thirty years before, to prove that the generous and beneficent attempt to realiſe the natural rights of man is merely an execution of what he had conceived. This declaration, like our bill of rights, in many of its articles, condemns the abuſes of their former government. They, however, had the wiſdom to go farther, to lay their foundations in acknowledged truths, which, thus ſolemnly recorded, might afford governors and people an eternal monument of their duties.

Were I diſpoſed to multiply quotations, it would not be difficult to produce authorities from the

ers on our laws, in vindication of almoſt Mr. Rous.
rticle in this declaration, reſpecting the
ights of individual citizens. The better
ill be, to ſelect for diſcuſſion the contro-
arts. Among the articles, which reſpect
its of individuals, certainly the moſt im-
deviation from our eſtabliſhed laws, is
xim derived from eternal principles of
hat "*all being equal in its ſight, are equally*
to all honours, places, and employments, ac-
to their different abilities, without any other
ion than that created by their virtues and
."

ANONYMOUS.

Letter from a Magiſtrate to Mr. William Roſe, &c.

THAT Great Britain now enjoys a *free* conſtitution (though Mr. Paine amuſes himſelf with a comical conceit that there is no conſtitution at all), its inhabitants are proud to own; and in this country they will not lightly be induced to exchange the ſubſtantial broad-cloth of durable and well-wrought liberty, and to caſt away the warm home-ſpun garment of ſound laws, as a load and incumbrance to them in the purſuit of the gaudy tiſſue and cobweb texture of French philoſophy.

The nature, the doctrine, and the object of this French philoſophy, as applied to the deſtruction and the formation of governments, is avowed by Mr. Paine without diſguiſe. He has re-publiſhed the Declaration of the Rights of Man, by the national aſſembly, in ſeventeen articles, all of which, he ſays, are comprehended in the three firſt. But the firſt alone is that whereon the whole is built, namely, that "men are born and always "continue free, and equal in reſpect of their "rights. Civil diſtinctions, therefore, can be "founded only on public utility."

When a maxim is laid down as the foundation of all human government, it is fit that there ſhould be no ambiguity in it, that it ſhould not be capable of various interpretations, and that the terms in which it is conveyed ſhould be ſuch as no plain

man can miſunderſtand. Take then this part of the propoſition, " Men are born and continue " equal in reſpect of their rights." Let me now ſuppoſe (and in the ſecond article it is ſo ſtated), that property is one of thoſe rights. Are men born, and muſt they continue equal in reſpect of their property? This will not be avowed as yet: the world is not yet ſo mad as to endure the aſſertion of ſuch an abſurdity. Property is in its nature changeable, and muſt vary according to the induſtry or idleneſs of individuals, the parſimony or extravagance of its owners. And as the propoſition concerns the rights to which men are *born*, they muſt either be born to *un*equal rights of property (as their anceſtors will either have amaſſed or diſſipated their wealth), or elſe all ſucceſſion to property muſt be aboliſhed, and none be entitled by birth to any property at all. Groſs and ridiculous as this maxim is, when applied to property, I aſk, whether the words do not import it? and whether ordinary perſons may not ſo underſtand its meaning? There can be no doubt, but that all who would be gainers by an equal diſtribution of property, would be inclined to ſuch a conſtruction of the phraſe—*Dolus verſatur in generalibus.* The latitude of the expreſſion renders its meaning equivocal; and if it is interpreted in that ſenſe, all property is unhinged, the ſtrongeſt bond of ſociety is looſened, and confuſion muſt enſue. Anonymous.

But it will be ſaid, that nothing more is in-

Anonymous. tended by this declaration, than that men are *born equal in reſpect to the rights which they are ſeverally entitled to*; that is, ſuppoſing them to have certain rights by birth, each man is equally to hold, maintain, and enjoy ſecurely his rights. In this ſenſe the propoſition is perfectly true: and it is the ſole buſineſs and purpoſe of laws to protect ſuch rights, and render them equal in reſpect to their ſecurity. All who are ſubject to the laws of any community, muſt be ſo without reſpect to perſons; and all are bound to obey thoſe laws ſo long as they ſubſiſt, without preſuming to ſet up their judgment, as to the analogy of thoſe laws, to any favourite principle of their own, for ſuch principles are but their own opinions; and if each man was to meaſure his obedience to each law, by his conceptions of the conſiſtency of that law with ſome principle in his mind, each man would be his own legiſlator; or, in other words, there would be no ſuch thing as law, and tyranny muſt take place, which is the immediate conſequence of the want of equal law.

The *equality of mankind in reſpect to their rights* is effected, brought into practice, and preſerved by civil ſociety, which requires that there ſhould be equal laws. Civil ſociety cannot exiſt but by the previous reſignation of natural rights, which are ſuppoſed to be brought by the whole community into one common ſtock, and again diſtributed out under certain regulations for the better ſecurity of thoſe which are ſo eſtabliſhed. That

ſociety

ety is founded on the ſuppoſition of pre- Anonymous.
ſent rights, no one can deny: but many are
opinion, that no natural rights are retained after
ering into ſociety; that they are all, in the firſt
ance, conceded, in order to accompliſh a more
al repartition of them by the diſpenſation of
laws; and that, if any *natural* rights ſhould
ain independent of and unnoticed by the in-
itions of civil ſociety, ſtill that none can exiſt
contradiction and oppoſition to the poſitive
nctions of that community which is founded
he ſocial compact.

But admitting, for the ſake of argument, that
e can be a caſe where an individual ſhall, by
ue of what he calls his natural rights, be en-
d to act in defiance of civil authority, which is
collective voice of ſociety; admitting the
ts of men in the extent which they are con-
led for by Mr. Paine; let us examine whether
will anſwer the purpoſe which he aims at, or
l contribute to forward the object and deſign
is publication. His pamphlet is avowedly
ten to tell the people of Great Britain, that
have a bad conſtitution (or, as he ſometimes
, no conſtitution, becauſe it is not to be found
n up on a quarter of a ſheet of paper, like
declaration of the rights of man, by the na-
al aſſembly of France); and that, from the de-
of its origin and theory, it deſerves to be
lly deſtroyed. He profeſſes to mark with pre-
n the different qualities of natural and civil
rights,

Anonymous. rights, and ſays, that "the natural rights which "he retains are all thoſe in which the power to "execute is as perfect in the individual as the "right itſelf. Among this claſs, as is before "mentioned, are all the intellectual rights, or "rights of the mind: conſequently religion is one "of thoſe rights. The natural rights which are "not retained; are all thoſe in which, though the "right is perfect in the individual, the power to "execute them is defective."

Now, I appeal to Mr. Paine, whether, according to his own definition of theſe rights, he can maintain that the right of new-modelling a government, on account of its want of theoretic perfection in its origin, is a natural right retained by ſocial man? Is it one "in which the *power* to execute "is as perfect in the individual as the right itſelf?" Is it not diſtinctly and emphatically that right, which, above all others, he has relinquiſhed? Has he not, by *entering into* the ſocial bonds of the community, tied up his hands from attempting to diſſolve that union to which he is a party, until the terms of that union are broken, until the contract is violated, until the ſociety which he agreed to is converted, by ſome extraneous cauſe, from a ſupport and protection to an oppreſſion and a grievance? Mr. Paine is very kind to his antagoniſts, by condeſcending to uſe the word ſociety, and ſpeak of men entering into it, and to allow that there is any ſuch thing as civil ſociety; for his arguments are frequently adverſe to any ſuch

ſuppoſition,

ſuppoſition, and the main ſcope and object of them all is to prove, that ſocial man may and ſhould break through his compact, whenever, on reflection, he ſhall think that the diſpenſation under which he lives is defective in theory, or vicious in its origin. The conſtitution of England he wiſhes to ſubvert, becauſe it is derived, not from a natural right, but from a natural ſon, from William the conqueror, and becauſe he thinks the repreſentation of the people inadequate. I ſhall not here diſcuſs either of theſe topics further than by obſerving, that neither this theory of repreſentation, ſuppoſing it to be faulty, nor this hiſtorical origin, granting it to have commenced in power over the people, have occaſioned, or are contended to have occaſioned, ſuch evils to the community, as to juſtify the demolition of its whole fabric.

Judge of the tree by its fruits, and not by its root. What more uncouth, more offenſive to the ſight, or touch, than the livid, prickly ſtem of the pine-apple? Yet is the fruit delicious. What more liberal, humane, free, generous, and juſt, than the government of this iſland, though ſprung from the feudal ſyſtem? Without much knowledge of the nature of feudal tenures, a very ſuperficial writer may venture to call the feudal ſyſtem an eſtabliſhment of tyranny. He may be hiſtorian enough to know that William the conqueror was a baſtard, and lawyer enough to know that lands were held by military ſervices, and that charters were

Anonymous. were granted by the kings. But he muſt, in
be a very ignorant author, who does not know
in the government of ſtates, in the framing of
in the diſtribution of property, and in the re
tion of manners, many of the fineſt inſtitution
niceſt ſyſtems, the moſt juſt counterpoiſes,
civilized improvements, owe their exiſtence
moſt homely and unphiloſophic origin. En
is an illuſtrious example of a country enjoying
dom and wealth, flouriſhing in commerce
agriculture, excelling in arts as well as arm
deriving its laws and conſtitution from a
anceſtry. The coarſeſt raw materials are w
up into the moſt exquiſite manufactures; a
old hackney compariſon of our conſtitution
pair of worſted ſtockings repeatedly darne
ſilk, till they became a pair of ſilk ſtoc
motley indeed, but ſtrong and durable, is
means inapplicable, or a ſimile unſuited to th
of thoſe who ſeek praiſe by vulgar alluſion
torted proverbs, unintelligent clamour, and
metaphyſics as incorrect as coarſe.

It is a common art with authors who lab
pervert the minds of thoſe who are not muc
tiſed in abſtract enquiries, to aſſume the ch
of plain-ſpoken, matter-of-fact, practical polit
and to profeſs to deal merely in downright
ſenſe; while they are, at that very moment, b
ing ſome new-fangled, undigeſted, viſionar
trine, ſome ſpeculative wild theory, which
culated to overturn every eſtabliſhment upon

Anonymous. Paris. But let them not return to poiſo wholeſome air of their native ſoil with the drugs of falſe philoſophy. Let them not ſh doors of our houſes of parliament, and, c themſelves a national aſſembly, adjourn t tennis-courts. Let them not ſubſtitute the l iron in the place of our commiſſions of oy terminer and gaol-delivery. And let them impriſon our king, and allow him to hunt with the captain of the guard in St. James's

On the truth and applicability of the homely proverb I am content to reſt my ment. To all ſpeculative theoriſts, who that governments ſhould be overturned b they were originally ill conſtructed, I anſwe the happineſs of a community is the firſt an object of its union as ſuch. In Great Britain object, as far as the frame of its conſtitution it, is attained as nearly as can be expected, m proper allowances for the imperfection of h inſtitutions. I would here be underſtood to of the ſtate of this country in general for th century; for I cannot agree with ſir Wi Blackſtone, that "in 1679, by law, as it "ſtood, the people had as large a portion o "liberty as is conſiſtent with a ſtate of ſoci Neither does he agree with himſelf; for he that, ſince that time, "dangerous branches o "prerogative have been lopped off, and th "more clearly defined." Within this ce there have certainly been many wars, which ar

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:ſt curſe that can fall on man; but they have owing principally to the ambition of France, ıould not be attributed to the nature of our tution. If theſe levellers of all the kingdoms : earth could perſuade me, that, by the adop- ıf their plans, there ſhould be no more wars, that property, juſtice, and order could be ed by a democracy, and that ſuch a ſpecies of nment could be permanent, and not fall into ands of a few artful leaders, a vile oligarchy, that again into an abſolute tyranny, I would nt to their ſyſtem of regeneration. But, as I onvinced of the contrary, I can only conſider as deſperate empirics.

Anonymous.

ANONY-

ANONYMOUS.

Slight Obſervations on Mr. Paine's Pamphlet, &c.

MR. PAINE, however, is not ſatisfied with attempting to convince the world of Mr. Burke's incapacity as a politician, and a diſputant, but he ſtretches out his profane hand upon the conſtitution of England; he would perſuade us that we are neither happy nor free; indeed he affirms that we have no conſtitution at all, and that we do not comprehend, or do not enjoy, the *common rights of men*.

A conſtitution is either the radical character of a people, derived from nature, or it is the legal ſpirit of their political ſtate. An Engliſhman is naturally ingenuous, brave, generous, and independent; the government, therefore, of England, correſponding with the genius of its inhabitants, is of the moſt enlarged and liberal form; and its laws, except in a very few inſtances (for we boaſt not of abſolute perfection), have even cautiouſly provided for the rights and liberties of the ſubject, natural as well as civil. Let any man look at magna charta, the habeas corpus act, and the bill of rights, and deny this if he can.

This government, then, hath ariſen *out* of the people, and not *over* it. I ſpeak not of things as they were, but as they are. If a grievance exiſts, it muſt be referred to the preſent, not former ages of our hiſtory; and if, as Mr. Paine admits, modifications

Anonymous. vidual, but to the enjoyment of which his individual power is not in all caſes competent. Of this kind are all thoſe which relate to ſecurity and protection. " The natural rights which are not " retained in ſociety, are all thoſe which, though " the right is perfect in the individual, the power " to execute them is defective. A man, by natural " right, has a right to judge in his own cauſe. " But what availeth him to judge, if he has not " the power to redreſs? He therefore *depoſits* this " right in the common ſtock of ſociety, and takes " the arm of ſociety, of which he is a part, in pre- " ference to, and in addition to his own. Society " *grants* him nothing. Every man is a proprietor " in ſociety, and draws on the capital as a matter " of right."

It is admitted then, that in ſociety man ceaſes to retain thoſe natural rights, the exerciſe of which, in ſociety, would be impracticable or inconvenient. What a man does not retain, he undoubtedly gives up: what he places in the diſpoſal of another, he has no longer the direction of himſelf. The exerciſe of force and power, founded on perſonal ſtrength, is a natural right in the wild ſtate of man; but as in that ſtate every individual muſt neceſſarily have the ſame ſecurity, there would be none for the weak, and to the powerful it would at beſt be precarious. Every ſingle man would judge in his own cauſe, and would act from his own will, and would ſtand upon his own ability, ſeparate from

Anonymous. ſociety, which returns them again to every citizen, under ſuch control and reſtriction as to its wiſdom ſeems beſt for the whole. But money in a bank *is depoſited*, and remains exactly as it was originally, unchanged and unqualified, at the will of the proprietor. The analogy, therefore, between the two caſes is imperfect. However, if he inſiſts upon it, I would recommend it to him to *draw out his capital*, for I am ſure he is unfitted by principle for *any company*.

From ſuch premiſes, ſo laid down, it was but juſt to expect correſpondent concluſions: accordingly, we find him claiming certain *natural* rights, which are retained againſt the *invaſion* of the civil power, as he is pleaſed to term it; and in which the power to execute is as perfect as the right itſelf. I do not underſtand his meaning, except it be, that a citizen may lawfully ſhake off his allegiance, and rebel againſt the civil power, whenever he is out of humour with it: indeed, ſuch ſentiments belong truly to the American author of Common Senſe. And I am the more diſpoſed to imagine that the ſole drift of his pamphlet is to foment and legaliſe rebellion, becauſe he again and again returns to the charge of our having no conſtitution, and with much preciſion and gravity informs us, "that go-"vernment is the creature of a conſtitution, that a "conſtitution is a real exiſtence, and where it can-"not be produced in a viſible form, there is none. "—If Mr. Burke then," adds he, "cannot pro-"duce

Anonymous. "the duration of parliaments, or by what other "name ſuch bodies may be called—the powers "which the executive part of the government ſhall "have, &c."

I will not affront the underſtanding of the meaneſt of my countrymen, by ſuppoſing him ignorant of the actual exiſtence of all theſe articles, clearly ſet forth, and well known among us; and if Mr. Paine wiſhes to be referred to a body of elements, he may find them in our common law, our ſtatute law, our law of parliament, and our local law. For in England, however new the aſſertion may appear to him, the law is for all, and over all, neither is there any thing without it. He will reply, that he has given an inſtance of the law of parliament having been altered by its own authority; which ſhews that there is no conſtitution. "The act by "which the Engliſh parliament empowered itſelf "to ſit for ſeven years," having been elected only for three (he ſhould thank me for theſe words, as they make his ſtatement intelligible), "ſhews there "is no conſtitution in England."

It is a woeful proof of weakneſs in argument, when but one ſingle caſe can be cited to ſupport a general aſſertion: and if that caſe, when examined to the bottom, in its cauſes and conſequences, proves the direct contrary to the poſition it was adduced to enforce, it is *felo de ſe*, it is a poſitive refutation of it. The act in queſtion was an act of political prudence, compelled by neceſſity. It did

did not originate in an arbitrary exceſs of power. A rebellion againſt the prince on the throne, and an invaſion by a foreign power to ſupport that rebellion, were apprehended: the parliament then ſitting, but which was about to expire, conſidered the miſchiefs which might ariſe from the want of a national council at ſo critical a ſeaſon, and for that reaſon only took the extraordinary meaſure referred to. This act ſecured public credit, preſerved the union of the powers of government, and ſaved the nation. Place, in an oppoſite point of view, the national aſſembly of France ſitting and voting upon ſubjects not warranted by the *cahiers* of their conſtituents, and expreſsly contrary to the tenour of many of them—and then, applaud the one and condemn the other, if you can! Literally ſpeaking, the act of the Engliſh parliament was unconſtitutional, but virtually it was not ſo: the deed was done by the repreſentatives, but it was approved and ſanctioned by the voice of the whole kingdom. Their electors, had they conceived the conſtitution infringed by that proceeding, had the faireſt opportunity of declaring that opinion with effect, when all was agitation and trembling for the iſſue of the impending event of rebellion and invaſion, when they could as irreſiſtibly have diſſented from the vote of their delegates, as they did thankfully and unanimouſly ratify it. I do not, therefore, admit this ſingle innovation, ſo circumſtanced, as a ſufficient proof

Anonymous.

Anonymous. that we have no conſtitution; but I wonder that a man of Mr. Paine's principles ſhould not rather have introduced the inſtance of the long parliament; it was a ſtronger exertion of power, and would have made full as well for his purpoſe.

ANONY.

Anonymous. thought it neceſſary to aſſert or to claim the reſtoration of their rights, they conſtantly reſorted to firſt principles, as originally connected with the government of this country; which furniſhes a ſtrong argument, that if the ruling powers ſhall at any time invade, or neglect to preſerve, the juſt rights of the people, it is perfectly conſtitutional to apply to government to have them reſtored. Our author appears to me to have ſome latent views in his pretended attachment to "ancient uſage" which he does not like to bring forward: probably he foreſees, that if the real and ſelf-evident rights of men be admitted or acceded to, it will bear hard on certain unconſtitutional privileges that are now enjoyed by a particular claſs of perſons, and that muſt not, in his opinion, be given up, as they are neceſſary to ſupport the preſent political ſyſtem—and that it is particularly expedient at the preſent juncture to inculcate in the minds of the people a predilection to "*ancient* rights," and a ſtrict adherence to the practice of our forefathers, who, when they aſſerted their liberties, always grounded their claim on the principle of inheritance; as this argument will, if admitted, ſecure the preſent ſtate of the repreſentation, on which ſo much of our author's political importance depends.

He remarks on the ſubject of the *real rights of men*, that "they ought to have a fair portion of all "which ſociety, with all its combination, ſkill and "force, can do in their favour. In this partnerſhip

" all have equal rights; but, as to the ſhare of Anonymous.
" power, authority, and direction, which each in-
" dividual ought to have in the management of
" the ſtate, that I muſt deny to be among the
" direct original *rights of men*; it is a thing to be
" ſettled by convention: if civil ſociety be the
" offſpring of convention, that convention muſt
" be its law, that convention muſt limit and modify
" all the deſcriptions of conſtitution which are
" formed under it."

This poſition of our author is admiſſible ſo far as ſuch convention is governed by juſt and equitable principles, and no farther, otherwiſe it would give a ſanction to every ſpecies of oppreſſion: to ſupport the truth of this remark, it may not be improper to ſtate a caſe. Suppoſe ſuch a convention, or that thoſe perſons who poſſeſs the ſupreme authority in a ſtate, ſhould think it neceſſary to frame a law, that certain perſons, ſay thoſe who admit and ſubſcribe, *ex animo*, that the convention has a divine right to eſtabliſh in the ſtate a ſet of religious opinions, whether proteſtant, popiſh, mahometan, jewiſh, or pagan, ſhall excluſively enjoy the emoluments ariſing from the collection and receipt of the public revenue; and ſuppoſe the profits ariſing from this employment to amount to a ſhilling in the pound of every man's expenditure, or two millions ſterling in a year, in a country of no greater extent than ours, would not ſuch a law be juſtly conſidered in a free ſtate as arbitrary and oppreſſive, and an infraction of the rights of men

in

Anonymous. in civil ſociety, as it would be depriving a great part of the community of thoſe emoluments, which, as ſubjects of the ſtate, and contributors to the taxes, they are entitled to enjoy? Would not this be rewarding one deſcription of perſons at the expence of another, on an unjuſt principle? Does a convention poſſeſs the power, conſiſtent with the rights of men, to frame ſuch a law? Perhaps it may be objected, that the principle of it is ſo abſurd that no ſuch caſe is ever likely to occur. If the right be admitted, which our author lays down as a maxim in civil ſociety, a caſe may occur equally abſurd and impolitic; and one that bears a ſtriking reſemblance to the leading features of it now actually exiſts in Europe, and in what is called a free country.

In voluntary ſocieties, and thoſe that exiſt only for a limited time, men poſſeſs a right to inſtitute what laws they pleaſe; but in civil ſociety there are original rights, which may with the ſtricteſt propriety be deemed the rights of men; theſe ought to be ſacred, and are what no power on earth can, conſiſtent with the truſt repoſed in them, deſtroy. Let us put a caſe of a ſomewhat different nature, and as our author appears to be particularly partial to the preſent ſtate of the repreſentation, it ſhall be on that ſubject. It has been aſſerted by thoſe who are well informed, and have made the calculation, that leſs than ten thouſand electors, and many of them of the loweſt claſs, chooſe the majority of the Engliſh houſe of commons, which repreſent

ſeven

ven millions of people. Suppoſe the greater part Anonymous.
f theſe, ſay ſix thouſand (for that number being
e majority will ſerve our purpoſe), ſhould be in-
uenced or corrupted, which is no unuſual thing
nong voters, to inſtruct their repreſentatives in
rliament (who generally think it their duty to
llow the inſtructions of their conſtituents) to
pport a bill, to veſt the power of raiſing money
cluſively in the king and lords (formerly the
ings of England alone exerciſed this power); and as
any of the commons owe their ſeats to the lords,
is not impoſſible, if our author's political prin-
ples ſhould become general, but that ſuch a law
ight at ſome future period take place. If ſuch a
w ſhould take place, it would be allowed on all
nds, among the friends of liberty, to be an in-
ingement of the rights of the people, and an
uſe of power; but according to our author's
inion, as it originated in a *proper, adequate*, and
gal convention of the ſtate, who poſſeſs the power
limit and modify the conſtitution, ſuch a law
ould be obligatory on the whole community: of
urſe oppoſition againſt it would be rebellion, and
a attempt to overthrow the conſtitution. It is
ſy to perceive how far ſuch dangerous and un-
nſtitutional poſitions will lead men; they will
ſtify all the tyranny, perſecution and oppreſſion
at have deluged the whole habitable globe.

Our author labours to remove the deep impreſ-
on which the diſcuſſion of *the rights of men* has
ade on the minds of the people of this country,
by

Anonymous. by making a curious diſtinction between their *natural* and *real rights*. As men univerſally, in the civilized part of the world, ſtand in connexion with ſociety, their natural rights are thoſe which attach to them as men, and which they are entitled to poſſeſs as members of ſociety, and their *real rights* are preciſely the ſame, unleſs they are reſtricted to thoſe rights only, which the governments of the earth allow men to enjoy; which would be juſtifying, as above, every ſpecies of oppreſſion. We may eaſily perceive the conſequences of taking away the only proper foundation of liberty, the natural rights of men; it is no leſs than laying the axe to the root of the tree. It muſt be admitted, that men neceſſarily abridge themſelves of a part of their natural rights, thoſe of an inferior nature, that are not eſſential to their happineſs, in order to obtain the advantages reſulting from ſociety, which are of ſuperior value; but this will extend no further in a good government than is compatible with ſtrict juſtice to individuals. A mutual ſacrifice for the public good, in which all are concerned, ſo far from being a grievance, is, on the principle above ſtated, a benefit to every individual. It ſhould alſo be conſidered, on a ſubject of this nature, that there is a great and neceſſary diſtinction between voluntary ſocieties, and that of which a ſtate is compoſed: in reſpect to the former, men have their option; in the latter, the caſe is very different: perhaps it may be ſuggeſted, that thoſe who diſlike the laws of one ſtate, may, if they chooſe it,

remove

remove to another. But inſuperable difficulties Anonymous
ariſe here, as the loſs of the means of ſubſiſtence, deſertion of property, friends, and a thouſand other conſiderations: if it were otherwiſe, the majority in a ſtate might with propriety frame ſuch laws as they imagined would be moſt conducive to their intereſt. Beſides, removals from a ſtate would be injurious to its proſperity, and might prove the ruin of it; migration to foreign countries, therefore, on this principle is prohibited by law to all artificers and manufacturers, which comprehend a great part of the community; and as men become ſubjects of the ſtate, independent of their own choice, it follows by neceſſary conſequence, that thoſe to whom the power is delegated to frame the laws, are bound by every principle of juſtice, as well as religion, to ſee that they do not oppreſs individuals, and alſo that they are founded on principles of equality, proportioned to caſes and circumſtances. This obſervation, although it may preſs hard on certain laws in this country that affect a particular claſs of ſubjects (the corporation and teſt acts), is nevertheleſs true, and is a poſition that no man who is a friend to the rights of men will controvert. As conſcience is ſaid to be God's vicegerent in the minds of men, for the regulation of their conduct, ſo public juſtice ought to be in a ſtate; on this unalterable principle the laws of every ſtate ought to be founded; and if they will not bear this teſt, they ought to be aboliſhed.

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Anonymous. Do any of the laws of the national aſſembly of France violate this principle? I believe not; the extinction of the order of nobility excepted. Indeed it muſt be confeſſed, that they have (from motives beſt known to themſelves) unwarrantably abridged the power of the monarch: but this it is ſuppoſed was done through the effects of fear; and was the king ſincerely attached to the national aſſembly, and hearty in the reform of the government, they would now in all probability make him one of the greateſt monarchs upon earth.

ANONY-

ANONYMOUS.

" THE *French declaration of rights* is of more " value to the world, and will do more " good, than all the laws and ſtatutes that have " yet been promulgated."

Rights on Rights

Rights of Man, by Thomas Paine, &c. &c.

THIS *memorable declaration* takes its departure from one broad axiom, as the baſe upon which the articles are framed, viz. " That ignorance, " neglect, or contempt of human rights, are the " *ſole* cauſes of public misfortunes, and corruptions " of government."—I conclude, then, it would be an effectual cure, if not preventive of the gout, were mankind once *informed*, that they were born by nature to have the free uſe of their limbs.

" *Men are born, and always continue, free and equal* " *in reſpect of their rights*;" and theſe rights are explained to be " *liberty, property, ſecurity, and re-* " *ſiſtance to oppreſſion.*"

With regard to the three firſt, God forbid any man ſhould be abſurd enough to deny that they are the *profeſſed* ends of *all* civil inſtitutions, even the moſt deſpotic! conſequently, that the government is the beſt adapted to its end, which the moſt effectually gives *ſecurity* to liberty and property. It is in order to obtain *ſecurity* to the individual, however, that liberty is limited, and property ſubjected to contribution in civil government;

Anonymous. but then that ſecurity is incompatible with his right of reſenting his own wrongs, which he ſurrendered upon entering into a ſtate of ſociety.—Thus ſtands the caſe:—Man is a creature made up of reaſon and inſtinct, or, if you pleaſe, of reaſon and paſſion. He ſeeks by nature the gratification of his appetites, but frequently can obtain it only at the expence of others.

He is neither born *free, equal,* or *independent* in any poſſible ſituation. He is not only dependent upon his parents through a very long infancy, during which time he is ſubject, of neceſſity, and for his own good, to *abſolute power*; but when he is in poſſeſſion of his faculties, he is of all animals in nature the leaſt equal to others of his own ſpecies. Different modifications of mind and body, even in a ſtate of the moſt primitive nature we can imagine, render one man more unlike and diſproportioned to another, than any of the diſtinctions of ſociety can poſſibly deviſe in our eſtabliſhments: the one excels in boldneſs, the other in cunning; the one in ſtrength, the other in agility; Ajax and Ulyſſes, Æſop and Milo, are as unequal in the gifts of nature, as the prince and the peaſant are in thoſe of fortune. This inequality, therefore, in a ſtate of nature (even if one man only were oppoſed to another man), would make it impoſſible for him to enjoy ſecurity to *his rights*; and having no ſecurity to his life, liberty, or the little property he could acquire, his rights in them would be of no uſe to him. But when

when a combination of more than one can overpower in this ſtate the force of the ſtrongeſt individual, the neceſſity appears ten times more cogent to have recourſe to ſome expedient that ſhall protect the precarious right of the individual againſt oppreſſion. Hence ariſes the compact of that inſtitution we call government; which ſuppoſes a combination of the whole ſtrength of ſociety in oppoſition to the freedom of the individual, for the purpoſe of general defence, that he may not oppreſs any of the reſt of the community. In the one caſe, man has no bounds to *his rights*, but no ſecurity in the exerciſe of them; in the other, his rights are limited by compact, that is, by the reſtraints the law of the government impoſes upon him; but he enjoys, or ought to enjoy, perfect ſecurity within thoſe limits. From this reaſoning one concluſion is inconteſtable—that as the obvious end of ſociety is, by the union of individuals ſuffering under unequal ſtrife, to give to each of them ſecurity in an equal degree, the ſame protection, the ſame ſubmiſſion is to be afforded and exacted without diſtinction in regard to every member of the community. Ano

Here ends this equality which *human inſtitution* has created to correct the *oppoſite principle* in the *inſtitutes of nature*. From this point, inequality by laws ſtronger than thoſe of men, reſumes its univerſal empire. The whole ſyſtem of creation is connected together, like one vaſt machine, by the *difference* of its component parts; inequality,

Anonymous. gradation, dependence, influence, and ſubjection, hold together the moral world, as the laws of gravitation and repulſion act upon the material.

> " The heavens themſelves, the planets, and this centre,
> " Obſerve degree, priority, and place,
> " Inſiſture, courſe, proportion, ſeaſon, form,
> " Office, and cuſtom, in all line of order."

That " *civil diſtinctions are founded only on pub-* " *lic utility*," is no more than to ſay, that all government in ſociety, and all the arrangements naturally proceeding out of it, whether directly or indirectly, refer to the public utility, inaſmuch as government itſelf has no other object; but does by no means imply, that " *all being equal in its* " *ſight, are equally eligible to all honours, places, and* " *employments, according to their different abilities,* " *without any other diſtinction than that created by* " *their virtues and talents.*" Populous and extenſive countries that ſubſiſted in a ſtate of civilization whilſt Europe were ſtill ſavages, have adopted a contrary principle in the oppoſite extreme; and, however erroneous it may be thus exaggerated, do not want plauſible arguments at leaſt in favour of their inſtitutions: but ſurely it will not be denied, that education and habits tranſmitted from generation to generation, and ſtill more the culture and application to particular walks of life, contribute moſt eſſentially to qualify men for ſituations they are taught to aſpire to. The moſt brilliant *talents* that ever diſtinguiſhed the robe, accompanied

panied with every *moral virtue* that can inſpire confidence, may be thrown away at the head of an army; and the ableſt ſea commander make a wretched figure as ambaſſador plenipotentiary. But this is not all: however ſome individuals may think themſelves diveſted of prejudice, we know and feel that men in general, both the great and the little vulgar, are creatures governed by opinion, and that their opinion is oftener formed (and muſt neceſſarily be ſo) upon prejudice than upon reaſon. A chancellor would certainly be able to decide in his tribunal as learnedly in boots, a high collar, and leathern breeches, as in a gown and full-bottom periwig; but whatever the philoſopher may think of it, there is ſomething which experience tells us would very differently affect the feelings of the court and the by-ſtanders. Honours and external decorations, diſtinct claſſes in ſociety who claim pre-eminence from their birth and ſtations, may excite the ſneer of the cynic in his tub, who ſacrifices to his own pride the vanity of others; but if they contribute, nay, if they have been in all ages and countries found eſſential to the maintaining that order and connection, without which civil ſociety itſelf would be a rope of ſand and fall to pieces, a wiſe man will be inclined to aſſiſt the deception (if it be a deception) which is a neceſſary ingredient in that ſyſtem that produces every ſolid advantage. In the preſence of the great Author of life, the ſervant and his maſter, the general and private ſoldier, the king

Anon

Anonymous. and his ſubject, are, like the actors when they quit the theatre, diſtinguiſhed by their merits only in the parts that were aſſigned them: but whilſt they remain upon the ſtage, thoſe parts muſt not be confounded; and none but a fanatic can wiſh to annihilate, or even to weaken, the diſtinctions that keep them at a diſtance from each other.

"*That none ought to be puniſhed but by a law* "*promulgated before the offence, and legally applied,*" is an undeniable poſition. No man can break a law that does not exiſt; and till he breaks the law of his country, he is entitled to the protection, not the chaſtiſement, of the government he lives under. "A public force being neceſſary to give ſecurity "to the rights of men and citizens, that force is "inſtituted for the benefit of the community." Allow it, then, as a corollary, that all military force that is ſo conſtituted as not to be brought by the executive power to bear to the purpoſe for which it is ordained, viz. the protection of every peaceable individual, is a dangerous force, tending to ſubvert the ends of civil ſociety, not to ſupport them.

That the contributions in a ſtate ought to be as equally divided as poſſible in proportion to the abilities of the contributors, is a ſelf-evident propoſition—*therefore the nobility of France were induced, before the meeting of the ſtates, to make a voluntary ſurrender of all their pecuniary privileges.* As to the conſent of every individual to impoſe taxes upon himſelf, the encouragement of contra-

band

band is a ſufficient illuſtration of that readineſs that individuals are impreſſed with to contribute generouſly, *with their own conſent*, to the public exigencies. Anonymous.

" The right to property being *inviolable and* " *ſacred, no one ought to be deprived of it, except in* " *caſe of evident public neceſſity legally aſcertained,* " *and on a condition of a previous juſt indemnity ! ! !*" What a principle, when applied to the confiſcations of property that have taken place to the amount of ſo many millions, as the baſis of a revolution which has no profeſſed object but ſecurity to perſonal liberty, and rendering property " in- " violable and ſacred !"

Here, reader, you have the boaſted declaration of rights, *that has done more good than all the laws and ſtatutes that were ever promulgated!*—Behold the good it has already done in the country that exults in its publication !

How many millions of property, veſted by the laws of the country in the proprietors and their predeceſſors from time immemorial, have been confiſcated without any previous offence pretended againſt the laws promulgated, and without any idea of compenſation; how many reſidences of peaceable inhabitants, that formerly diſpenſed the bleſſings of hoſpitality through their diſtricts, have been burnt or pillaged; how many unoffending individuals have been abandoned to their inhuman butchers; how many thouſand lives have been ſacrificed without protection, through the extent

Anonymous. of the provinces of that great kingdom;—it is not for me to aſcertain: but theſe are the only fruits I know of the ſecurity and freedom that has been eſtabliſhed by the declaration of the "rights "of man." Look for ſecurity to your perſon or property in a country where not one tribunal is yet opened, but a court of inquiſition to condemn to an ignominious death without proof, upon the menace of impending danger—Aſk the illuſtrious fugitives, the venerable prelates, that find their aſylum in every court of Europe to ſecure their lives from the ſame wreck that has ſwallowed up their fortunes, what are thoſe *rights of man* in their devoted land, which they can plead not againſt the banditti, not againſt the deluded inſurgents only, but againſt the legiſlature itſelf—the ſovereignty of their country?

Aſk the authors of their ruin the ſame queſtion; they will tell you calmly, that theſe calamities are neceſſary to procure future benefits, and that the means are juſtified by the ends. They will ſay, with Monſieur de la Fayette, "that in matters of "revolution, ſedition is *a ſacred duty*;"—with Mr. Necker, "that theſe violences are *des excès de gaîté*;" —with Paine, "that theſe outrages were not the "effect of the principle of the revolution, but of "the degraded mind that exiſted before the re- "volution, and which the revolution is calculated "to reform. Place them there to their proper "cauſe, and take the reproach of them to your- "ſelf."—He will ſee no difference between the

expoſing

oſing upon Temple-Bar the heads of convicted Anonymous.
:ors in time of actual rebellion, and the bearing
ut upon pikes, in mockery and inſult, to the
es of public entertainment, the heads of inno-
: victims, the miniſters of eſtabliſhed govern-
it torn to pieces by popular aſſaſſins. He
juſtify from a bloody, not a *cruel* ſentence in
hands of the executioner of juſtice, calculated
haps not wiſely) *in terrorem* to *impreſs awe*
the beholders, not to inflame their paſſions; he
juſtify, I ſay, an exceſs of wanton barbarity
: cannibals would bluſh at; the pledging from
to lip the cup in which the bleeding heart of
urdered miniſter had been drenched with wine,
he bearing the mangled face of a father to the
ith of a ſon, fortunately already inſenſible to
outrage by the treatment he had undergone,
who was ſoon after delivered from inſult by
unſated rage of his aſſaſſins. He will look
r theſe ſcenes of diſguſting horror with com-
cency, and calmly aſſure you, " that when the
French revolution is compared with that of
ther countries, the aſtoniſhment will be, that
t is marked with *ſo few ſacrifices*;" but he will
get to tell you, that if they were infinitely
er than they wiſh to appear under his repre-
tations, torrents of blood ſhed bravely in battle
ween contending factions, do not diſhonour a
ion like the refinements of cruelty, and the
ſſacres in cold blood of much ſmaller numbers
fenceleſs and unreſiſting. He will exult in vic-

tory

Anonymous. tory where there has been no conteſt, and in glorious conqueſt of the Baſtille, that was betra to an unarmed rabble; he will triumph in deſtruction of old walls and towers, as if the *ſtre* of a priſon was its crime; whilſt all the other priſ as loathſome perhaps, though not ſo ſecure as Baſtille, are crowded at this moment with ſ numbers as threaten peſtilence by their contag He will talk of liberty, whilſt tyranny, the ca cious tyranny of the many, is ravaging at large of the faireſt empires in the world; and whilſt feelings of the oppreſſed are inſulted with ſound of freedom, as the inquiſitors ſharpened torments they inflicted by chanting in the ears their victims, hymns to the God of mercy.

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IT is perfectly falſe, *that every man has naturally and eſſentially a right to govern himſelf, or to be governed by his own conſent*; and the aſſertion that has, is either the boaſt of ignorant pride, or the artifice of wickedneſs to eſcape controul, and to hinder folly miſchievous. No man can have a right to do an act for which he is altogether unfit. Wiſdom and goodneſs alone have, in reaſon, any right to govern, ſince they alone are fit for it. The fooliſh and the wicked, therefore, in proportion to the extent of thoſe imperfections, are diſqualified from government by nature, or by themſelves, and might to be controuled. But the fooliſh and the wicked compoſe no ſmall part of mankind, who therefore ſhould be ruled; and if refractory, without their conſent, and even againſt their will. To ſuch imperfections, indeed, all men are ſo far liable, that there is no complete ſecurity againſt their prevalence in any individual. Hence, as we have ſeen, ariſes the neceſſity for government; which being ſo conſtituted as to be *wiſe* and *good*, may exerciſe a due controul over the imperfections of all. Principles of Government, &c.

Large bodies of men have no eſſential right of governing themſelves; for what no individuals have, the aggregate of individuals cannot have. In fact, experience proves their great unfitneſs for it;

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the acts of very numerous bodies, operating c lectively, being for the moſt part fooliſh, wicked, or both: and that for a moſt clear a ſimple reaſon, ſuggeſted by the very nature of m that *paſſion is more ſtrong than reaſon.*

Still leſs has a majority any natural or effen right to controul a ſmaller number. Occaſiona indeed, and for the ſake of peace, it may be v prudent to agree that queſtions ſhall be ſo d cided. Parties nearly balanced will produce ſtrong, and perhaps a very pernicious contenti which ſhould be, if poſſible, avoided: and if eith party be by agreement to prevail, it ſeems m prudent to allow that preference to the grea number, which, if recourſe was had to violence, would moſt probably be able to obtain: in a other light, the claim of a majority is nothing. 20, 100, 1000, or any number of men, be deſiro to act fooliſhly or wickedly, the will of any ſingl man, who wiſhes to act virtuouſly and wiſely, ough in reaſon and eſſential juſtice, to prevail again them all.

Power is uſually miſtaken for *right*; and from that error is deduced the falſe principle contra dicted in the opening of this chapter; which though it has of late been circulated as true, and even laid down as an axiom, is not the leſs erro neous. Great majorities have certainly the natural *power* of governing. In the collective body of a people the whole political ſtrength eſſentially re ſides; nor would it be poſſible for any meaſure to be

effected, however neceſſary, were the general iments of a people ſtrongly turned againſt it. n external military force, if they were nearly nimous, and firmly fixed in enthuſiaſtic reſolu-, might extirpate them, but could not govern.. re a whole people reſolved to live without all ernment, as far as it is poſſible to live in ſuch fuſion, they certainly might do ſo; but it does follow that, becauſe they have this natural er, they alſo have a right to exerciſe it. Thoſe have been in all times and all countries the t pernicious members of ſociety, who have n diligent to make the people know and feel ir natural powers, concealing from them, at the e time, or not ſufficiently explaining and en-ing, their *natural duties*. Whatever is prohi-d to man as wrong, muſt be within the reach atural power, otherwiſe the prohibition would fooliſh. Power and right are therefore clearly rable, and it is abſurd to think that one in-des the other, or to confound things that are na-ally ſo diſtinct.

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Men taken without choice in very numerous jorities of ſociety, neither have the wiſdom nor virtue to conduct and govern themſelves; y cannot, therefore, have a natural right to do

By the neceſſary operation of man's inherent perfections, a country governed by the multitude ſt become the ſeat of total confuſion, and of er wretchedneſs; the hot-bed of every evil and

deſtructive

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deſtructive paſſion; or, to uſe the energetic l guage of the poet,

> It muſt become a wilderneſs again,
> Peopled with wolves, its old inhabitants:
> For, in truth, where all govern, nobody is governed.

In this pernicious ſtate, if it were the gene and unalterable will of the multitude to live, t will could not be over-ruled; but then in all t number every individual would be highly atrociouſly guilty in the ſight of God and m for indulging a propenſity ſo deſtructive and contrary to right. Now the operation of ſu a will is always more or leſs to be apprehende and from that very circumſtance ariſes the ch difficulty of political contrivance; it being of the moſt inherent evil propenſities of man reſiſt controul and government, and genera with a repugnance the moſt violent and pertin cious when controul is the moſt neceſſary; namel when his will is bad and dangerous.

As men have not in reaſon any right to gove themſelves, or to be governed by their own co ſent, ſo neither do there appear in the eſtabliſhe order of nature, any traces of a plan by which the may enjoy that privilege.

As ſoon as man is born, he is ſubject, by th ordinance of nature and of providence, to the go vernment of others wiſer than himſelf: he owe obedience to his parents, or to thoſe by whom hi infant weakneſs may chance to be protected. I

independen

endent rights of ſelf-government were natural nherent, they would belong to infants no leſs to adults; the *rights of children* would deſerve ich reſpect as the boaſted *rights of man*; and quently no child could juſtly be governed by his own conſent; no parent could have ight to command the children he produced nouriſhed. To aſſert which, would be no leſs ıtrage to reaſon than to religion. So far is rom being true, that to controul their children t only a right of parents, but a duty indiſ- ably incumbent on them; ſince otherwiſe, we w the growing mind would ſoon become de- ed.

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lan is thus born ſubject to a natural govern- t. As he grows to riper age, he muſt of rſe be ſubject to that government to which his nts or ſupporters owe allegiance, and under ch they found that ſafety and protection they e thus enabled to extend to him. To that ch thoſe obey who govern him, he muſt by lication owe obedience: and if at years of diſcretion he reſolve to fix his lot in the ſame ntry, he tacitly conſents to live there on the ns on which he was at firſt ſupported, and to tinue that implied allegiance. Thus, if there any government in the country where he is duced, he is born under an implied, and he s under an actual obligation to obey it, and if diſobey, is juſtly liable to puniſhment. If there no government already eſtabliſhed, he, and every

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every other individual, is bound in moral obligation to form, as ſoon as poſſible, and with their utmoſt wiſdom and goodneſs, that which is ſo abſolutely neceſſary to the welfare of human ſociety. In doing this, he will confer the greateſt benefit he can upon the whole community.

Are there then no *rights of man?* There are undoubtedly, and thoſe of the moſt clear and certain nature. In general terms, whatever man may reaſonably expect from wiſdom and from goodneſs, the univerſal ſources of government, is his undoubted *right*. The wiſdom and goodneſs of God have given him life, and evidently mean to give a life well worth acceptance; conſequently he has a right to expect of human wiſdom and goodneſs that they will imitate the divine, and endeavour to ſecure to him his life and all that innocently conduces to its comfort. More particularly may he expect this, as it is the profeſſed deſign of government to promote the general welfare of ſociety, which can only be effected by preſerving, as far as may be poſſible, whatever is eſſential to the being and well-being of every individual. Now theſe eſſentials are life, and whatever belongs to the natural perfection of man; as health, and the integrity of his limbs; liberty of action, ſo far as may be not injurious to others; perſonal liberty, property, reputation, and that rank and ſituation among men which he has fairly and juſtly obtained. The ſecurity of theſe is neceſſary to the happineſs of every man: to have them,

them, therefore, protected, is the natural right of every man; and, by every good and well-formed government, they are accordingly defended. Rev. Mr. Nares.

Theſe are the *rights of man* which wiſdom and goodneſs will of courſe endeavour to preſerve, and which the law of Great Britain recogniſes in their very fulleſt extent. Beſides theſe there are no natural rights. In general, if a man be deſirous to act wiſely and virtuouſly, he has a right to expect ſupport and protection: if he be deſirous to act fooliſhly or wickedly, he ſhould in reaſon expect that wiſdom and goodneſs will exert themſelves to counteract and puniſh him; nor has he even the ſmalleſt ſhadow of a right to look for other treatment.

In every inſtance wherein the *rights of man* above enumerated are not ſufficiently protected, a government is doubtleſs faulty, and ought to be amended. The beſt government will contain within itſelf the means of making ſuch amendments, whenever they ſhall appear neceſſary, without convulſion, and without danger: and whenever there are, in the regular conſtitution of a ſtate, ſuch proviſions for amendment, the guilt of ſeeking to produce it by means more violent, and of great hazard, will be very much enhanced.

To the above ſpecified natural *rights of man* the claim of all men is equal; for it ariſes to all from the ſame conſideration, that of the wiſdom and goodneſs of the Creator and common Father of mankind. The moral equality that leads us

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to reſpect them, is denominated juſtice: it is the foundation of all law, and conſiders men as ſuch, without reſpect to accidental diſtinctions. The diſregard of theſe rights is called injuſtice; and the act of infringing them by the violence of ſuperior ſtrength, is named oppreſſion. Wherever there is not a ſufficient defence provided for them in the conſtitution of a ſtate, there is an opening for oppreſſion; which it is certainly important to fill up by wiſe and juſt proviſions.

A Review of the French Declaration of the Rights of Men and Citizens.

[The preamble is omitted, as containing nothing that requires to be controverted, except the general notion that the good propoſed can be effected by the declaration ſubjoined, the falſehood of which will be evident from the remarks annexed.]

DECLARATION.	REMARKS.
I.	I.
MEN are born and always continue free and equal as to their rights. Social diſtinctions can be founded only upon general utility.	THERE is nothing in this article that is objectionable, or not recogniſed fully by the conſtitution of *Great-Britain*.
II.	II.
The end of every political	This alſo is acknowledged;

CLARATION.	REMARKS.	Rev. Nan
ſſociation is the ition of the na- nd impreſcripti- ts of man. Theſe are, *liberty*, *pro- ecurity*, and *re- of oppreſſion.*	ledged; and is aſſerted fully in this treatiſe, at p. 21.	
III.	III.	
nation is eſſenti- ſource of all ſo- ty. No body of or any individual, ercise any au- which is not de- om it.	The nation has, indeed, eſſentially the power by which all government muſt be ſupported. But government is its moſt eſſential want: could a nation govern itſelf, there would be no occaſion to appoint a go-	

nt. The principle is alſo practically dan- : who will obey, when he is told that it is t to govern? They who can controul their rs, are not governed. That all authority ct, derived from the collective ſtrength of y, is a truth; but is a truth from which no on to obey the many can be properly de- The many muſt obey, for their own ſakes, they know not how to govern. If they d, it is becauſe they can, not becauſe they becauſe they are ſtrong and wilful, not they are either wiſe or virtuous. If a ma-

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REMARKS.

jority, however great, aſſume, by force, the
of governing, becauſe they have the power,
injure the minority; for every man has a na
right to be governed by reaſon and juſtice, nc
brute force.

DECLARATION.	REMARKS.
IV.	IV.
Liberty conſiſts in the power of doing whatever does not injure another. Thus the exerciſe of the natural rights of every man, has no other limits than thoſe which enſure to every other member of the ſame ſociety, the enjoyment of the ſame rights. Theſe limits can be determined only by the law.	This is true, ſeems to need no ticular remark.
V.	V.
The law has no right to forbid any actions except thoſe which may be hurtful to ſociety. What is not forbidden by the law ſhould not be hindered; nor can any man be forced to do what	This too is very w if it be remembe that the law alone is determine what is hu ful.

VI. T

LARATION.	REMARKS.	Rev. Mr. Nares.
e law does not		
VI.	VI.	
law is the ex- of the general ll citizens have to concur per- or by their re- tives, in its form- It ſhould be the all, whether it or puniſhes. All being equal in are equally ad- to all dignities, ınd public em- ıts, according to ıalifications, and any diſtinction, that created by tue or their ta-	The law is the expreſſion of the wiſdom and the juſtice of the men who formed it, and is, if they were well ſelected, the beſt wiſdom of the nation: to this the various wills of the community ſhould properly be ſubject. There is no ſuch thing as a general will in large ſocieties, for there never can be unanimity; and the will of a majority may be unjuſt, when that of a minority is juſt. If citizens had all a perſonal right to concur in forming laws, the ſending repreſentatives would not be an	
ent. But the forming of laws is matter lence, not of right; and repreſentatives ſen to ſecure the people from oppreſſion, utter their intentions, or to take up their		

Rev. Mr. Nares.

REMARKS.

opinions right or wrong. That laws ſhould be equal, is true. As to the eligibility of men to places, as places do not rank among the rights of men, the caution ſeems unneceſſary. Much, however, will depend upon the latitude of the interpretation. If it be meant that a prieſt may be created a judge, or a lawyer a biſhop, upon proof or ſuppoſition of their being qualified, the meaſure would produce ſome diſcontent, and on the whole, perhaps, more harm than good. If it be intended only to prevent excluſive claims of claſſes more arbitrary, ſuch as nobles or plebeians, to certain employments, the proviſion is juſt enough; but ſhould be made in another way, by the denial of excluſive arbitrary privileges.

DECLARATION.	REMARKS.
VII.	VII.
No man can be accuſed, arreſted, or held in confinement, except in caſes determined by the law, and according to the forms thereby preſcribed. They who ſolicit, promote, execute, or cauſe to be executed, any arbitrary orders, ought to be puniſhed: but every citi-	Very right; and perfectly eſtabliſhed here in England: except that there is a latitude in the terms of the declaration in this place, which might admit of much ridiculous interpretation.

zen

VIII.

DECLARATION.	REMARKS.	Rev. Mr. Nares.
zen cited or apprehended by virtue of the law, ought to obey inſtantly, and by reſiſtance becomes culpable.		
VIII.	VIII.	
The law ſhould not eſtabliſh any puniſhments but ſuch as are ſtrictly and evidently neceſſary: and no man ſhould be puniſhed but by virtue of a law eſtabliſhed and promulgated before the offence, and legally applied.	Right: except that it is hardly poſſible for human wiſdom to determine what puniſhments are ſtrictly and evidently neceſſary in ſome caſes. The latter clauſe is perfectly right.	
IX.	IX.	
As every man is preſumed innocent till his guilt is [legally] declared, whenever the detention of any one is judged indiſpenſable, all rigour beyond what is neceſſary to ſecure his perſon, ſhould be ſeverely prohibited by law.	Right.	
X.	X.	
No man ſhould be moleſted	Very juſt; and perfectly	

Rev. Mr. Nares.

DECLARATION.

moleſted on account of his opinions, not even his religious opinions, provided his avowal of them does not interrupt the public order which by law has been eſtabliſhed.

XI.

The free communication of thoughts and opinions is one of the moſt precious rights of man: every man may, therefore, ſpeak, write, or print freely, except that he muſt anſwer for the abuſe of this liberty in caſes determined by the law.

REMARKS.

fectly conſiſtent with the principles laid down above, in chapter the thirteenth.

XI.

This being only the fourth article applied to a particular caſe is nugatory and ſuperfluous. It means only that a man may do in this reſpect, as well as others, whatever the law does not forbid. As to the free communication of thoughts being one of the moſt precious rights of man, it is true enough; it is a part of perſonal liberty, and conduces both to the comfort and to the improvement of life.

DECLARATION.

XII.

A public force being of neceſſity required to guarantee the rights of men and citizens, that force is inſtituted for the benefit of all, and not for the private advantage of thoſe to whom it is entruſted.

XIII.

For the ſupport of the public force, and for the expences of government, a public contribution is of indiſpenſable neceſſity. This, therefore, ſhould be equally divided among all the citizens according to their property.

XIV.

Every citizen has a right, by himſelf or his repreſentative, to determine the neceſſity of public contribution, to give a free conſent to it, to examine the employment

REMARKS.

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XII.

This no Engliſhman will deny.

XIII.

Very true: adding only, if poſſible.

XIV.

They who give their money have certainly a right to be well ſatisfied that it is legally demanded, and juſtly uſed; but as moſt of theſe points are totally beyond the

Rev. Mr. Nares.	DECLARATION.	REMARKS.
	ployment of it, and to regulate the amount, aſſeſſment, enforcement, and duration.	the knowledge of the generality, and as the people always will incline againſt an impoſt, the general management of all theſe points muſt be entruſted to the government, or rather to the legiſlature, under due reſtrictions.
	XV.	XV.
	The ſociety has a right to demand of every public agent, an account of his adminiſtration.	Every public agent who betrays his truſt ſhould be puniſhed by the law. The ſovereign, however, is not properly a public agent, nor can conſiſtently be made reſponſible. See p. 85.
	XVI.	XVI.
	Every ſociety in which there is no full ſecurity of rights eſtabliſhed, nor ſeparation of powers determined, is without a conſtitution.	It ſhould rather be ſaid, that every ſuch ſociety has a bad conſtitution; though what is ſaid about the ſeparation of powers is not very intelligible.
	XVII. The	XVII. The

RATION.

VII.

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XVII.

The plea of public neceſſity was evidently intended to cover the bold rapines of the national aſſembly *. But public neceſſity can attack no particular property in preference to others: as the law is equal to all, ſo alſo the neceſſity which ſuperſedes the law muſt preſs on all alike, and confiſcate all property or none. What indemnity have the French clergy received?

the celebrated Declaration of Rights,
rts no claim that is not granted freely to
men, except ſuch as are founded on
iples.

pake the fiend, and with neceſſity,
tyrant's plea, excus'd his deviliſh deeds.
Parad. Loſt, iv. 393.

MARY

MARY WOLLSTONECRAFT.

Vindication of the Rights of Men, in a Letter to the Right Hon. Edmund Burke.

LIBERTY, in this ſimple, unſophiſticated ſenſe, I acknowledge is a fair idea that has never yet received a form in the various governments that have been eſtabliſhed on our beauteous globe; the demon of property has ever been at hand to encroach on the SACRED RIGHTS OF MAN, and to fence round with awful pomp laws that war with juſtice. But that it reſults from the eternal foundation of right—from immutable truth—who will preſume to deny, that pretends to rationality—if reaſon has led them to build their morality and religion on an everlaſting foundation—the attributes of GOD?

The civilization which has taken place in Europe has been very partial, and, like every cuſtom that an arbitrary point of honour has eſtabliſhed, refines the manners at the expence of morals, by making ſentiments and opinions current in converſation, that have no root in the heart, or weight in the cooler reſolves of the mind.—And what has ſtopped its progreſs?—Hereditary property—hereditary honours. The man has been changed into an artificial monſter, by the ſtation in which he was born, and the conſequent homage that benumbed his faculties like the torpedo's touch;—or a being, with a capacity of reaſoning, would not have failed to diſcover, as his faculties unfolded,

folded, that true happineſs aroſe from the friendſhip and intimacy which can only be enjoyed by equals; and that charity is not a condeſcending diſtribution of alms, but an intercourſe of good offices and mutual benefits, founded on reſpect for juſtice and humanity. Mary Wollſtonecraft.

Governed by theſe principles, the poor wretch, whoſe *inelegant* diſtreſs extorted from a mixed feeling of diſguſt and animal ſympathy preſent relief, would have been conſidered as a man whoſe miſery demanded a part of his birthright, ſuppoſing him to be induſtrious: but ſhould his vices have reduced him to poverty, he could only have addreſſed his fellow-men as weak beings, ſubject to like paſſions, who ought to forgive, becauſe they expect to be forgiven, for ſuffering the impulſe of the moment to ſilence the ſuggeſtions of conſcience, or reaſon, which you will; for, in my view of things, they are ſynonymous terms.

Will Mr. Burke be at the trouble to inform us, how far we are to go back to diſcover *the rights of men*, ſince the light of reaſon is ſuch a fallacious guide that none but fools truſt to its cold inveſtigation?

In the infancy of ſociety, confining our view to our own country, cuſtoms were eſtabliſhed by the lawleſs power of an ambitious individual: or a weak prince was obliged to comply with every demand of the licentious barbarous inſurgents, who diſputed his authority with irrefragable arguments at the point of their ſwords; or the more

ſpecious

Mary Wollſtonecraft.

ſpecious requeſts of the parliament, who only allowed him conditional ſupplies.

Are theſe the venerable pillars of our conſtitution? And is magna charta to reſt for its chief ſupport on a former grant, which reverts to another, till chaos becomes the baſe of the mighty ſtructure —or we cannot tell what?—for coherence, without ſome pervading principle of order, is a ſoleciſm.

Speaking of Edward III. Hume obſerves, that "he was a prince of great capacity, not governed by favourites, not led aſtray by any unruly paſſion, ſenſible that nothing could be more eſſential to his intereſts than to keep on good terms with his people: yet on the whole it appears, that the government at beſt was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain or undiſputed rights, which in practice were regularly obſerved. The king conducted himſelf by one ſet of principles; the barons by another; the commons by a third; the clergy by a fourth. All theſe ſyſtems of government were oppoſite and incompatible: each of them prevailed in its turn, as incidents were favourable to it: a great prince rendered the monarchical power predominant: the weakneſs of a king gave reins to the ariſtocracy: a ſuperſtitious age ſaw the clergy triumphant: the people, for whom chiefly government was inſtituted, and who chiefly deſerve conſideration, were the weakeſt of the whole."

And

And juſt before that moſt auſpicious æra, the fourteenth century, during the reign of Richard II. whoſe total incapacity to manage the reins of power, and keep in ſubjection his haughty barons, rendered him a mere cypher; the houſe of commons, to whom he was obliged frequently to apply, not only for ſubſidies, but aſſiſtance to quell the inſurrections that the contempt in which he was held naturally produced, gradually roſe into power; for whenever they granted ſupplies to the king, they demanded in return, though it bore the name of petition, a confirmation, or the renewal of former charters, which had been infringed, and even utterly diſregarded by the king and his ſeditious barons, who principally held their independence of the crown by force of arms, and the encouragement which they gave to robbers and villains, who infeſted the country, and lived by rapine and violence. Mary Wollſtonecraft.

To what dreadful extremities were the poorer ſort reduced! their property, the fruit of their induſtry, being entirely at the diſpoſal of their lords, who were ſo many petty tyrants.

In return for the ſupplies and aſſiſtance which the king received from the commons, they demanded privileges, which Edward, in his diſtreſs for money to proſecute the numerous wars in which he was engaged during the greater part of his reign, was conſtrained to grant them; ſo that by degrees they roſe to power, and became a check on both king and nobles. Thus was the foundation

Mary Wollſtonecraft.

dation of our liberty eſtabliſhed, chiefly through the preſſing neceſſities of the king, who was more intent on being ſupplied for the moment, in order to carry on his wars and ambitious projects, than aware of the blow he gave to kingly power, by thus making a body of men feel their importance, who afterwards might ſtrenuouſly oppoſe tyranny and oppreſſion, and effectually guard the ſubject's property from ſeizure and confiſcation. Richard's weakneſs completed what Edward's ambition began.

At this period, it is true, Wickliffe opened a viſta for reaſon, by attacking ſome of the moſt pernicious tenets of the church of Rome; ſtill the proſpect was ſufficiently miſty to authoriſe the queſtion—Where was the dignity of thinking of the fourteenth century?

A Roman catholic, it is true, enlightened by the reformation, might, with ſingular propriety, celebrate the epoch that preceded it, to turn our thoughts from former atrocious enormities; but a proteſtant muſt acknowledge that this faint dawn of liberty only made the ſubſiding darkneſs more viſible; and that the boaſted virtues of that century all bear the ſtamp of ſtupid pride and headſtrong barbariſm. Civility was then called condeſcenſion, and oſtentatious almſgiving humanity: and men were content to borrow their virtues, or, to ſpeak with more propriety, their conſequence, from poſterity, rather than undertake the arduous taſk of acquiring it for themſelves.

The imperfection of all modern governments must, without waiting to repeat the trite remark, that all human inſtitutions are unavoidably imperfect, in a great meaſure have ariſen from this ſimple circumſtance, that the conſtitution, if ſuch an heterogeneous maſs deſerve that name, was ſettled in the dark days of ignorance, when the minds of men were ſhackled by the groſſeſt prejudices and moſt immoral ſuperſtition. And do you, ſir, a ſagacious philoſopher, recommend night as the fitteſt time to analyſe a ray of light? Mary Wollſtonecraft.

Are we to ſeek for *the rights of men* in the ages when a few marks were the only penalty impoſed for the life of a man, and death for death when the property of the rich was touched? when—I bluſh to diſcover the depravity of our nature—when a deer was killed! Are theſe the laws that it is natural to love, and ſacrilegious to invade?—Were *the rights of men* underſtood when the law authoriſed or tolerated murder?—or is power and right the ſame in your creed?

It is neceſſary emphatically to repeat, that there are *rights* which men inherit at their birth, as rational creatures, who were raiſed above the brute creation by their improvable faculties; and that in receiving theſe, not from their forefathers, but from God, preſcription can never undermine natural rights.

A father may diſſipate his property without his child having any right to complain; but ſhould he attempt to ſell him for a ſlave, or fetter him

Mary Wollſtonecraft.

with laws contrary to reaſon, Nature, in enabling him to diſcern good from evil, teaches him to break the ignoble chain, and not to believe that bread becomes fleſh, and wine blood, becauſe his parents ſwallowed the euchariſt with this blind perſuaſion.

There is no end to this implicit ſubmiſſion to authority—ſomewhere it muſt ſtop, or we return to barbariſm; and the capacity of improvement, which gives us a natural ſceptre on earth, is a cheat, an ignis fatuus, that leads us from inviting meadows into bogs and dunghills. And if it be allowed that many of the precautions with which any alteration was made in our government were prudent, it rather proves its weakneſs, than ſubſtantiates an opinion of the ſoundneſs of the ſtamina, or the excellence of the conſtitution.

The declaration of the national aſſembly, when they recogniſed the rights of men, was calculated to touch the humane heart—the downfall of the clergy, to agitate the pupil of impulſe. On the watch to find fault, faults met your prying eye; a different prepoſſeſſion might have produced a different conviction.

When we read a book that ſupports our favourite opinions, how eagerly do we ſuck in the doctrines, and ſuffer our minds placidly to reflect the images that illuſtrate the tenets we have previouſly embraced! We indolently acquieſce in the concluſion, and our ſpirit animates and corrects the various ſubjects. But when, on the contrary, we peruſe a ſkilful writer, with whom we do not coincide

tide in opinion, how attentive is the mind to detect fallacy! And this ſuſpicious coolneſs often prevents our being carried away by a ſtream of natural eloquence, which the prejudiced mind terms declamation—a pomp of words! We never allow ourſelves to be warmed; and, after contending with the writer, are more confirmed in our opinion, as much perhaps from a ſpirit of contradiction as from reaſon. A lively imagination is ever in danger of being betrayed into error by favourite opinions, which it almoſt perſonifies, the more effectually to intoxicate the underſtanding. Always tending to extremes, truth is left behind in the heat of the chaſe, and things are viewed as poſitively good or bad, though they wear an equivocal face.

Mary Wollſtonecraft.

Some celebrated writers have ſuppoſed that wit and judgment were incompatible; oppoſite qualities, that, in a kind of elementary ſtrife, deſtroyed each other: and many men of wit have endeavoured to prove that they were miſtaken. Much may be adduced by wits and metaphyſicians on both ſides of the queſtion. But, from experience, I am apt to believe that they do weaken each other, and that great quickneſs of comprehenſion, and facile aſſociation of ideas, naturally preclude profundity of reſearch. Wit is often a lucky hit: the reſult of a momentary inſpiration. We know not whence it comes, and it blows where it liſts. The operations of judgment, on the contrary, are cool and circumſpect; and coolneſs and deliberation

Mary Wollſtonecraft.

tion are great enemies to enthuſiaſm. If wit is of ſo fine a ſpirit that it almoſt evaporates when tranſlated into another language, why may not the temperature have an influence over it? This remark may be thought derogatory to the inferior qualities of the mind: but it is not a haſty one; and I mention it as a prelude to a concluſion I have frequently drawn, that the cultivation of reaſon damps fancy. The bleſſings of Heaven lie on each ſide; we muſt chooſe, if we wiſh to attain any degree of ſuperiority, and not loſe our lives in laborious idleneſs. If we mean to build our knowledge or happineſs on a rational baſis, we muſt learn to diſtinguiſh the *poſſible*, and not fight againſt the ſtream. And if we are careful to guard ourſelves from imaginary ſorrows and vain fears, we muſt alſo reſign many enchanting illuſions: for ſhallow muſt be the diſcernment which fails to diſcover that raptures and ecſtaſies ariſe from error.—Whether it will always be ſo, is not now to be diſcuſſed; ſuffice it to obſerve, that truth is ſeldom arrayed by the graces; and if ſhe charms, it is only by inſpiring a ſober ſatisfaction, which takes its riſe from a calm contemplation of proportion and ſimplicity. But, though it is allowed that one man has by nature more fancy than another, in each individual there is a ſpring-tide, when fancy ſhould govern and amalgamate materials for the underſtanding; and a graver period, when thoſe materials ſhould be employed by the judgment. For example, I am inclined to

have

have a better opinion of the heart of an *old* man, who ſpeaks of STERNE as his favourite author, than of his underſtanding. There are times and ſeaſons for all things: and moraliſts appear to me to err, when they would confound the gaiety of youth with the ſerioufneſs of age; for the virtues of age look not only more impoſing, but more natural, when they appear rather rigid. He who has not exerciſed his judgment to curb his imagination during the meridian of life, becomes, in its decline, too often the prey of childiſh feelings. Age demands reſpect; youth love: if this order is diſturbed, the emotions are not pure; and when love for a man in his grand climacteric takes place of reſpect, it, generally ſpeaking, borders on contempt. Judgment is ſublime, wit beautiful; and, according to your own theory, they cannot exiſt together without impairing each other's power. The predominancy of the latter, in your endleſs Reflections, ſhould lead haſty readers to ſuſpect that it may, in a great degree, exclude the former.

Mary Wollſtonecraft.

But among all your plauſible arguments, and witty illuſtrations, your contempt for the poor always appears conſpicuous, and rouſes my indignation. The following paragraph in particular ſtruck me as breathing the moſt tyrannic ſpirit, and diſplaying the moſt factitious feelings. "Good "order is the foundation of all good things. To "be enabled to acquire, the people, without "being ſervile, muſt be tractable and obedient.

Mary Wollſtonecraft.

" The magiſtrate muſt have his reverence, the
" laws their authority. The body of the people
" muſt not find the principles of natural ſubor-
" dination by art rooted out of their minds. They
" *muſt* reſpect that property of which they *cannot*
" partake. *They muſt labour to obtain what by*
" *labour can be obtained; and when they find, as*
" *they commonly do, the ſucceſs diſproportioned to the*
" *endeavour, they muſt be taught their conſolation in*
" *the final proportions of eternal juſtice.* Of this con-
" ſolation whoever deprives them, deadens their
" induſtry, and ſtrikes at the root of all acquiſition
" as of all conſervation. He that does this is
" the cruel oppreſſor, the mercileſs enemy of the
" poor and wretched; at the ſame time that, by
" his wicked ſpeculations, he expoſes the fruits of
" ſucceſsful induſtry, and the accumulations of
" fortune," (ah! there's the rub) " to the plunder
" of the negligent, the diſappointed, and the un-
" proſperous."

This is contemptible hard-hearted ſophiſtry, in the ſpecious form of humility, and ſubmiſſion to the will of Heaven.—It is, ſir, *poſſible* to render the poor happier in this world, without depriving them of the conſolation which you gratuitouſly grant them in the next. They have a right to more comfort than they at preſent enjoy; and more comfort might be afforded them, without encroaching on the pleaſures of the rich: not now waiting to enquire whether the rich have any right to excluſive pleaſures. What do I ſay?—

encroaching! No; if an intercourſe were eſtabliſhed between them, it would impart the only true pleaſure that can be ſnatched in this land of ſhadows, this hard ſchool of moral diſcipline. Mary Wollſtonecraft.

I know, indeed, that there is often ſomething diſguſting in the diſtreſſes of poverty, at which the imagination revolts, and ſtarts back to exerciſe itſelf in the more attractive Arcadia of fiction. The rich man builds a houſe; art and taſte give it the higheſt finiſh. His gardens are planted, and the trees grow to recreate the fancy of the planter; though the temperature of the climate may rather force him to avoid the dangerous damps they exhale, than ſeek the umbrageous retreat. Every thing on the eſtate is cheriſhed but man;—yet, to contribute to the happineſs of man, is the moſt ſublime of all enjoyments. But if, inſtead of ſweeping pleaſure-grounds, obeliſks, temples, and elegant cottages, as *objects* for the eye, the heart was allowed to beat true to nature, decent farms would be ſcattered over the eſtate, and plenty ſmile around. Inſtead of the poor being ſubject to the griping hand of an avaricious ſteward, they would be watched over with fatherly ſolicitude, by the man whoſe duty and pleaſure it was to guard their happineſs, and ſhield from rapacity the beings who, by the ſweat of their brow, exalted him above his fellows.

I could almoſt imagine I ſee a man thus gathering bleſſings as he mounted the hill of life; or conſolation, in thoſe days when the ſpirits lag, and

Mary Wollſtonecraft.

the tired heart finds no pleaſure in them. It is not by ſquandering alms that the poor can be relieved or improved—it is the foſtering ſun of kindneſs, the wiſdom that finds them employments calculated to give them habits of virtue, that meliorates their condition. Love is only the fruit of love; condeſcenſion and authority may produce the obedience you applaud; but he has loſt his heart of fleſh who can ſee a fellow-creature humbled before him, and trembling at the frown of a being, whoſe heart is ſupplied by the ſame vital current, and whoſe pride ought to be checked by a conſciouſneſs of having the ſame infirmities.

Your real or artificial affection for the Engliſh conſtitution ſeems to me to reſemble the brutal affection of ſome weak characters. They think it a duty to love their relations with a blind, indolent tenderneſs, that *will not* ſee the faults it might aſſiſt to correct, if their affection had been built on rational grounds. They love they know not why, and they will love to the end of the chapter.

Is it abſolute blaſphemy to doubt of the omnipotence of the law, or to ſuppoſe that religion might be more pure if there were fewer baits for hypocrites in the church? But our manners, you tell us, are drawn from the French, though you had before celebrated our native plainneſs *. If they

* Page 118. "It is not clear whether in England we "learned thoſe grand and decorous principles, and manners, of "which conſiderable traces yet remain, from you, or whether "you

were, it is time we broke looſe from depen- Mary Wollſtonecraft.
:e—time that Engliſhmen drew water from
· own ſprings; for, if manners are not a painted
itute for morals, we have only to cultivate
reaſon, and we ſhall not feel the want of an
:rary model. Nature will ſuffice; but I for-
myſelf:—Nature and reaſon, according to
ſyſtem, are all to give place to authority;
the gods, as Shakeſpeare makes a frantic wretch
aim, ſeem to kill us for their ſport, as men do

:fore I conclude my curſory remarks, it is but
to acknowledge that I coincide with you in
· opinion reſpecting the *ſincerity* of many mo-
philoſophers. Your conſiſtency in avowing
neration for rank and riches deſerves praiſe;
I muſt own that I have often indignantly ob-
:d that ſome of the *enlightened* philoſophers,
talk moſt vehemently of the native rights of
, borrow many noble ſentiments to adorn
· converſation, which have no influence on
· conduct. They bow down to rank, and are
ful to ſecure property; for virtue, without
adventitious drapery, is ſeldom very reſpect-
in their eyes—nor are they very quick-ſighted

took them from us. But to you, I think, we trace them
. You ſeem to me to be *gentis incunabula noſtræ*. France
always more or leſs influenced manners in England; and
:n your fountain is choked up and polluted, the ſtream
not run long, or not run clear with us, or perhaps with
nation. This gives all Europe, in my opinion, but too
:e and connected a concern in what is done in France."

to

Mary Wollstonecraft.

to diſcern real dignity of character, when no ſounding name exalts the man above his fellows.—But neither open enmity, nor hollow homage, deſtroys the intrinſic value of thoſe principles which reſt on an eternal foundation, and revert for a ſtandard to the immutable attributes of God.

MISCELLANEOUS MATTER.

Mr. BURKE.

THE factions now ſo buſy amongſt us in order to diveſt men of all love for their country, and to remove from their minds all duty with regard to the ſtate, endeavour to propagate an opinion, that the *people*, in forming their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which theſe gentlemen retreat whenever they are puſhed by the battery of laws, and uſages, and poſitive conventions. Indeed it is ſuch, and of ſo great force, that all they have done in defending their outworks is ſo much time and labour thrown away. Diſcuſs any of their ſchemes—their anſwer is—It is the act of the *people*, and that is ſufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their ſociety, if ſuch ſhould be their pleaſure? They may change it, ſay they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy; and ſo backward and forward as often as they like. They are maſters of the commonwealth;

An Appeal from the New Whigs, &c.

Mr. Burke. wealth; becauſe in ſubſtance they are themſelves the commonwealth. The French revolution, ſay they, was the act of the majority of the people; and if the majority of any other people, the people of England for inſtance, wiſh to make the ſame change, they have the ſame right.

Juſt the ſame undoubtedly. That is, none at all. Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, truſt, engagement, or obligation. The conſtitution of a country being once ſettled upon ſome compact tacit or expreſſed, there is no power exiſting of force to alter it, without the breach of the covenant, or the conſent of all the parties. Such is the nature of a contract. And the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the phyſical eſſence of things. The people are not to be taught to think lightly of their engagements to their governors, elſe they teach governors to think lightly of their engagements towards them. In that kind of game, in the end, the people are ſure to be loſers. To flatter them into a contempt of faith, truth, and juſtice, is to ruin them; for in theſe virtues conſiſts their whole ſafety. To flatter any man, or any part of mankind, in any deſcription, by aſſerting, that in engagements he or they are free whilſt any other human creature is bound, is ultimately to veſt the rule of morality in the pleaſure of thoſe who ought

to

to be rigidly ſubmitted to it; to ſubject the ſove- Mr. Burke.
reign reaſon of the world to the caprices of weak and giddy men.

But, as no one of us men can diſpenſe with public or private faith, or with any other tie of moral obligation, ſo neither can any number of us. The number engaged in crimes, inſtead of turning them into laudable acts, only augments the quantity and the intenſity of the guilt. I am well aware, that men love to hear of their power, but have an extreme diſreliſh to be told of their duty. This is of courſe; becauſe every duty is a limitation of ſome power. Indeed arbitrary power is ſo much to the depraved taſte of the vulgar, of the vulgar of every deſcription, that almoſt all the diſſenſions which lacerate the commonwealth, are not concerning the manner in which it is to be exerciſed, but concerning the hands in which it is to be placed. Somewhere they are reſolved to have it. Whether they deſire it to be veſted in the many or the few, depends with moſt men upon the chance which they imagine they themſelves may have of partaking in the exerciſe of that arbitrary ſway, in the one mode or in the other.

It is not neceſſary to teach men to thirſt after power. But it is very expedient that by moral inſtruction they ſhould be taught, and by their civil conſtitutions they ſhould be compelled, to put many reſtrictions upon the immoderate exerciſe of it, and the inordinate deſire. The beſt method of obtaining

Mr. Burke. theſe two great points forms the important, but at the ſame time the difficult problem to the true ſtateſman. He thinks of the place in which political power is to be lodged, with no other attention than as it may render the more or the leſs practicable its ſalutary reſtraint, and its prudent direction. For this reaſon no legiſlator, at any period of the world, has willingly placed the ſeat of active power in the hands of the multitude; becauſe there it admits of no controul, no regulation, no ſteady direction whatſoever. The people are the natural controul on authority; but to exerciſe and to controul together, is contradictory and impoſſible.

As the exorbitant exerciſe of power cannot, under popular ſway, be effectually reſtrained, the other great object of political arrangement, the means of abating an exceſſive deſire of it, is in ſuch a ſtate ſtill worſe provided for. The democratic commonwealth is the foodful nurſe of ambition. Under the other forms it meets with many reſtraints. Whenever, in ſtates which have had a democratic baſis, the legiſlators have endeavoured to put reſtraints upon ambition, their methods were as violent as in the end they were ineffectual, as violent indeed as any the moſt jealous deſpotiſm could invent. The oſtraciſm could not very long ſave itſelf, and much leſs the ſtate which it was meant to guard, from the attempts of ambition, one of the natural, inbred, incurable diſtempers of a powerful democracy.

But,

But, to return from this ſhort digreſſion, which however is not wholly foreign to the queſtion of the effect of the will of the majority upon the form or the exiſtence of their ſociety—I cannot too often recommend it to the ſerious conſideration of all men who think civil ſociety to be within the province of moral juriſdiction, that if we owe to it any duty, it is not ſubject to our will. Duties are not voluntary. Duty and will are even contradictory terms. Now, though civil ſociety might be at firſt a voluntary act (which in many caſes it undoubtedly was), its continuance is under a permanent ſtanding covenant, co-exiſting with the ſociety; and it attaches upon every individual of that ſociety, without any formal act of his own. This is warranted by the general practice, ariſing out of the general ſenſe of mankind. Men without their choice derive benefits from that aſſociation; without their choice they are ſubjected to duties in conſequence of theſe benefits; and without their choice they enter into a virtual obligation as binding as any that is actual. Look through the whole of life and the whole ſyſtem of duties. Much the ſtrongeſt moral obligations are ſuch as were never the reſults of our option. I allow, that if no ſupreme ruler exiſts, wiſe to form, and potent to enforce, the moral law, there is no ſanction to any contract, virtual or even actual, againſt the will of prevalent power. On that hypotheſis, let any ſet of men be ſtrong enough to ſet their duties at defiance, and they

Mr. Burke.

Mr. Burke. they ceaſe to be duties any longer. We have but this one appeal againſt irreſiſtible power—

Si genus humanum et mortalia temnitis arma,
At ſperate Deos memores fandi atque nefandi.

Taking it for granted that I do not write to the diſciples of the Pariſian philoſophy, I may aſſume, that the awful Author of our being is the author of our place in the order of exiſtence; and that having diſpoſed and marſhalled us by a divine tactic, not according to our will, but according to his, he has, in and by that diſpoſition, virtually ſubjected us to act the part which belongs to the place aſſigned us. We have obligations to mankind at large, which are not in conſequence of any ſpecial voluntary pact. They ariſe from the relation of man to man, and the relation of man to God; which relations are not matters of choice. On the contrary, the force of all the pacts which we enter into with any particular perſon or number of perſons amongſt mankind, depends upon thoſe prior obligations. In ſome caſes the ſubordinate relations are voluntary, in others they are neceſſary—but the duties are all compulſive. When we marry, the choice is voluntary; but the duties are not matter of choice—they are dictated by the nature of the ſituation. Dark and inſcrutable are the ways by which we come into the world. The inſtincts which give riſe to this myſterious proceſs of nature are not of our making. But out of phyſical cauſes, unknown to us, perhaps unknowable, ariſe moral duties,

duties, which, as we are able perfectly to comprehend, we are bound indiſpenſably to perform. Parents may not be conſenting to their moral relation; but, conſenting or not, they are bound to a long train of burthenſome duties towards thoſe with whom they have never made a convention of any ſort. Children are not conſenting to their relation; but their relation, without their actual conſent, binds them to its duties; or rather it implies their conſent, becauſe the preſumed conſent of every rational creature is in uniſon with the prediſpoſed order of things. Men come in that manner into a community with the ſocial ſtate of their parents, endowed with all the benefits, loaded with all the duties of their ſituation. If the ſocial ties and ligaments, ſpun out of thoſe phyſical relations which are the elements of the commonwealth, in moſt caſes, begin, and always continue, independently of our will; ſo, without any ſtipulation on our part, are we bound by that relation called our country, which comprehends (as it has been well ſaid) " * all the charities of all." Nor are we left without powerful inſtincts to make this duty as dear and grateful to us, as it is awful and coercive. Our country is not a thing of mere phyſical locality. It conſiſts, in a great meaſure, in the ancient order into which we are born. We may have the ſame geographical ſituation, but another country; as we may have the ſame country in another ſoil. The place that Mr. Burke.

* Omnes omnium charitates patria una complectitur. Cic.

Mr. Burke. determines our duty to our country, is a ſocial, civil relation.

Theſe are the opinions of the author whoſe cauſe I defend. I lay them down not to enforce them upon others by diſputation, but as an account of his proceedings. On them he acts; and from them he is convinced, that neither he, nor any man or number of men, have a right (except what neceſſity, which is out of and above all rule, rather impoſes than beſtows) to free themſelves from that primary engagement into which every man born into a community as much contracts by his being born into it, as he contracts an obligation to certain parents by his having been derived from their bodies. The place of every man determines his duty. If you aſk, *Quem te Deus eſſe juſſit?* you will be anſwered when you reſolve this other queſtion, *Humana qua parte locatus es in re* * ?

I admit, indeed, that in morals, as in all things elſe, difficulties will ſometimes occur. Duties will ſometimes croſs one another. Then queſtions will ariſe, which of them is to be placed in ſubordination? which of them may be entirely ſuperſeded?

* A few lines in Perſius contain a good ſummary of all the objects of moral inveſtigation, and hint the reſult of our enquiry: there human will has no place——

> Quid *ſumus?* et quidnam *victuri gignimur?* ordo
> Quis *datus?* et *metæ* quis mollis flexus et unde?
> Quis modus argento? Quid *fas optare?* Quid aſper
> Utile nummus habet? *Patriæ chariſque propinquis*
> Quantum elargiri *debeat?*—Quem te Deus eſſe
> *Juſſit?*—et humana qua parte *locatus es* in re?

Theſe

Theſe doubts give riſe to that ſort of moral ſci- Mr. Burl
ence called *caſuiſtry*; which, though neceſſary to be well ſtudied by thoſe who would become expert in that learning, who aim at becoming what I think Cicero ſomewhere calls *artifices officiorum*; it requires a very ſolid and diſcriminating judgment, great modeſty and caution, and much ſobriety of mind in the handling; elſe there is a danger that it may totally ſubvert thoſe offices which it is its object only to methodiſe and reconcile. Duties, at their extreme bounds, are drawn very fine, ſo as to become almoſt evaneſcent. In that ſtate, ſome ſhade of doubt will always reſt on theſe queſtions, when they are purſued with great ſubtilty. But the very habit of ſtating theſe extreme caſes is not very laudable or ſafe: becauſe, in general, it is not right to turn our duties into doubts. They are impoſed to govern our conduct, not to exerciſe our ingenuity; and therefore our opinions about them ought not to be in a ſtate of fluctuation, but ſteady, ſure, and reſolved.

Amongſt theſe nice, and therefore dangerous, points of caſuiſtry, may be reckoned the queſtion ſo much agitated in the preſent hour—Whether, after the people have diſcharged themſelves of their original power by an habitual delegation, no occaſion can poſſibly occur which may juſtify their reſumption of it? This queſtion, in this latitude, is very hard to affirm or deny: but I am ſatisfied that no occaſion can juſtify ſuch a reſumption, which would not equally authoriſe a diſpenſation

Mr. Burke. with any other moral duty, perhaps with all of them together. However, if in general it be not eaſy to determine concerning the lawfulneſs of ſuch devious proceedings, which muſt be ever on the edge of crimes, it is far from difficult to foreſee the perilous conſequences of the reſuſcitation of ſuch a power in the people. The practical conſequences of any political tenet go a great way in deciding upon its value. Political problems do not primarily concern truth or falſehood: they relate to good or evil. What in the reſult is likely to produce evil, is politically falſe: that which is productive of good, politically is true.

Believing it therefore a queſtion at leaſt arduous in the theory, and in the practice very critical, it would become us to aſcertain, as well as we can, what form it is that our incantations are about to call up from darkneſs and the ſleep of ages. When the ſupreme authority of the people is in queſtion, before we attempt to extend or confine it, we ought to fix in our minds, with ſome degree of diſtinctneſs, an idea of what it is we mean when we ſay the PEOPLE.

In a ſtate of *rude* nature, there is no ſuch thing as a people. A number of men in themſelves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial; and made, like all other legal fictions, by common agreement. What the particular nature of that agreement was, is collected from the form into which the particular ſociety has been caſt. Any

other

other is not *their* covenant. When men, therefore, break up the original compact or agreement which gives its corporate form and capacity to a ſtate, they are no longer a people; they have no longer a corporate exiſtence; they have no longer a legal coactive force to bind within, nor a claim to be recogniſed abroad. They are a number of vague looſe individuals, and nothing more. With them all is to begin again. Alas! they little know how many a weary ſtep is to be taken before they can form themſelves into a maſs, which has a true politic perſonality. Mr. Burke.

We hear much from men who have not acquired their hardineſs of aſſertion from the profundity of their thinking, about the omnipotence of a *majority*, inſuch a diſſolution of an ancient ſociety as hath taken place in France. But amongſt men ſo diſbanded, there can be no ſuch thing as a majority or minority, or power in any one perſon to bind another. The power of acting by a majority, which the gentlemen theoriſts ſeem to aſſume ſo readily, after they have violated the contract out of which it has ariſen (if at all it exiſted), muſt be grounded on two aſſumptions; firſt, that of an incorporation produced by unanimity; and ſecondly, an unanimous agreement, that the act of a mere majority (ſay of one) ſhall paſs with them and with others as the act of the whole.

We are ſo little affected by things which are habitual, that we conſider this idea of the deciſion of a *majority* as if it were a law of our original nature:

Mr. Burke. but ſuch conſtructive whole, reſiding in a part only, is one of the moſt violent fictions of poſitive law that ever has been or can be made on the principles of artificial incorporation. Out of civil ſociety, nature knows nothing of it; nor are men, even when arranged according to civil order, otherwiſe than by very long training, brought at all to ſubmit to it. The mind is brought far more eaſily to acquieſce in the proceedings of one man, or a few, who act under a general procuration for the ſtate, than in the vote of a victorious majority in councils in which every man has his ſhare in the deliberation. For there the beaten party are exaſperated and ſoured by the previous contention, and mortified by the concluſive defeat. This mode of deciſion, where wills may be ſo nearly equal; where, according to circumſtances, the ſmaller number may be the ſtronger force; and where apparent reaſon may be all upon one ſide, and on the other little elſe than impetuous appetite; all this muſt be the reſult of a very particular and ſpecial convention, confirmed afterwards by long habits of obedience, by a ſort of diſcipline in ſociety, and by a ſtrong hand, veſted with ſtationary permanent power, to enforce this ſort of conſtructive general will. What organ it is that ſhall declare the corporate mind, is ſo much a matter of poſitive arrangement, that ſeveral ſtates, for the validity of ſeveral of their acts, have required a proportion of voices much greater than that of a mere majority. Theſe proportions are ſo entirely governed

governed by convention, that in ſome caſes the minority decides. The laws in many countries to *condemn*, require more than a mere majority; leſs than an equal number to *acquit*. In our judicial trials we require unanimity either to condemn or to abſolve. In ſome incorporations one man ſpeaks for the whole; in others, a few. Until the other day, in the conſtitution of Poland, unanimity was required to give validity to any act of their great national council or diet. This approaches much more nearly to rude nature than the inſtitutions of any other country. Such, indeed, every commonwealth muſt be, without a poſitive law to recogniſe in a certain number the will of the entire body. Mr. Burke.

If men diſſolve their ancient incorporation, in order to regenerate their community, in that ſtate of things each man has a right, if he pleaſes, to remain an individual. Any number of individuals, who can agree upon it, have an undoubted right to form themſelves into a ſtate apart and wholly independent. If any of theſe is forced into the fellowſhip of another, this is conqueſt, and not compact. On every principle which ſuppoſes ſociety to be in virtue of a free covenant, this compulſive incorporation muſt be null and void.

As a people can have no right to a corporate capacity without univerſal conſent, ſo neither have they a right to hold excluſively any lands in the name and title of a corporation. On the ſcheme of the preſent rulers in our neighbouring country,

Mr. Burke. regenerated as they are, they have no more right to the territory called France than I have. I have a right to pitch my tent in any unoccupied place I can find for it; and I may apply to my own maintenance any part of their unoccupied ſoil. I may purchaſe the houſe or vineyard of any individual proprietor who refuſes his conſent (and moſt proprietors have, as far as they dared, refuſed it) to the new incorporation. I ſtand in his independent place. Who are theſe inſolent men calling themſelves the French nation, that would monopoliſe this fair domain of nature? Is it becauſe they ſpeak a certain jargon? Is it their mode of chattering, to me unintelligible, that forms their title to my land? Who are they who claim by preſcription and deſcent from certain gangs of banditti called Franks, and Burgundians, and Viſigoths, of whom I may have never heard, and ninety-nine out of an hundred of themſelves certainly never have heard; whilſt at the very time they tell me, that preſcription and long poſſeſſion form no title to property? Who are they that preſume to aſſert that the land which I purchaſed of the individual, a natural perſon, and not a fiction of ſtate, belongs to them, who in the very capacity in which they make their claim can exiſt only as an imaginary being, and in virtue of the very preſcription which they reject and diſown? This mode of arguing might be puſhed into all the detail, ſo as to leave no ſort of doubt, that on their principles, and on the ſort of footing on which they

ıave thought proper to place themſelves, the Mr. Burke
l of men on the other ſide of the channel,
have the impudence to call themſelves a
e, can never be the lawful excluſive poſſeſſors
: ſoil. By what they call reaſoning without
lice, they leave not one ſtone upon another
: fabric of human ſociety. They ſubvert all
ıthority which they hold, as well as all that
ı they have deſtroyed.

in the abſtract, it is perfectly clear, that, out
tate of civil ſociety, majority and minority are
ɔns which can have no exiſtence; and that, in
ſociety, its own ſpecific conventions in each
poration determine what it is that conſtitutes
eople ſo as to make their act the ſignification
e general will: to come to particulars, it is
ly clear, that neither in France or in England
ıe original, or any ſubſequent compact of the
expreſſed or implied, conſtituted *a majority*
n, told by the head, to be the acting people of
ſeveral communities. And I ſee as little of
y or utility, as there is of right, in laying
ı a principle, that a majority of men told by
ıead are to be conſidered as the people, and
as ſuch their will is to be law. What policy
there be found in arrangements made in de-
:e of every political principle? To enable
to act with the weight and character of a
ɔle, and to anſwer the ends for which they are
rporated into that capacity, we muſt ſuppoſe
ı (by means immediate or conſequential) to
be

Mr. Burke. be in that ſtate of habitual ſocial diſcipline, in which the wiſer, the more expert, and the more opulent, conduct, and by conducting enlighten and protect the weaker, the leſs knowing, and the leſs provided with the goods of fortune. When the multitude are not under this diſcipline, they can ſcarcely be ſaid to be in civil ſociety. Give once a certain conſtitution of things, which produces a variety of conditions and circumſtances in a ſtate, and there is in nature and reaſon a principle which, for their own benefit, poſtpones not the intereſt but the judgment of thoſe who are *numero plures*, to thoſe who are *virtute et honore majores*. Numbers in a ſtate (ſuppoſing, which is not the caſe in France, that a ſtate does exiſt) are always of conſideration—but they are not the whole conſideration. It is in things more ſerious than a play, that it may be truly ſaid, *Satis eſt equitem mihi plaudere.*

A true natural ariſtocracy is not a ſeparate intereſt in the ſtate, or ſeparable from it. It is an eſſential integrant part of any large people rightly conſtituted. It is formed out of a claſs of legitimate preſumptions, which, taken as generalities, muſt be admitted for actual truths. To be bred in a place of eſtimation; to ſee nothing low and ſordid from one's infancy; to be taught to reſpect one's ſelf; to be habituated to the cenſorial inſpection of the public eye; to look early to public opinion; to ſtand upon ſuch elevated ground as to be enabled to take a large view of the wide-

ſpread

ſpread and infinitely diverſified combinations of men and affairs in a large ſociety; to have leiſure to read, to reflect, to converſe; to be enabled to draw the court and attention of the wiſe and learned wherever they are to be found;—to be habituated in armies to command and to obey; to be taught to deſpiſe danger in the purſuit of honour and duty; to be formed to the greateſt degree of vigilance, foreſight, and circumſpection, in a ſtate of things in which no fault is committed with impunity, and the ſlighteſt miſtakes draw on the moſt ruinous conſequences;—to be led to a guarded and regulated conduct, from a ſenſe that you are conſidered as an inſtructor of your fellow-citizens in their higheſt concerns, and that you act as a reconciler between God and man; to be employed as an adminiſtrator of law and juſtice, and to be thereby amongſt the firſt benefactors to mankind; to be a profeſſor of high ſcience, or of liberal and ingenuous art; to be amongſt rich traders, who, from their ſucceſs, are preſumed to have ſharp and vigorous underſtandings, and to poſſeſs the virtues of diligence, order, conſtancy, and regularity, and to have cultivated an habitual regard to commutative juſtice—theſe are the circumſtances of men, that form what I ſhould call a *natural* ariſtocracy, without which there is no nation. Mr. Burke.

The ſtate of civil ſociety, which neceſſarily generates this ariſtocracy, is a ſtate of nature; and much more truly ſo than a ſavage and incoherent mode

Mr. Burke. mode of life. For man is by nature reaſonable; and he is never perfectly in his natural ſtate, but when he is placed where reaſon may be beſt cultivated, and moſt predominates. Art is man's nature. We are as much, at leaſt, in a ſtate of nature in formed manhood, as in immature and helpleſs infancy. Men qualified in the manner I have juſt deſcribed, form in nature, as ſhe operates in the common modification of ſociety, the leading, guiding, and governing part. It is the ſoul to the body, without which the man does not exiſt. To give therefore no more importance, in the ſocial order, to ſuch deſcriptions of men, than that of ſo many units, is an horrible uſurpation.

When great multitudes act together under that diſcipline of nature, I recogniſe the PEOPLE. I acknowledge ſomething that perhaps equals, and ought always to guide the ſovereignty of convention. In all things the voice of this grand chorus of national harmony ought to have a mighty and deciſive influence. But when you diſturb this harmony; when you break up this beautiful order, this array of truth and nature, as well as of habit and prejudice; when you ſeparate the common ſort of men from their proper chieftains, ſo as to form them into an adverſe army; I no longer know that venerable object called the people, in ſuch a diſbanded race of deſerters and vagabonds. For a while they may be terrible indeed; but in ſuch a manner as wild beaſts are terrible. The mind owes to them no ſort of ſubmiſſion. They

are,

, as they have always been reputed, rebels. Mr. Burke.
ıey may lawfully be fought with, and brought
ler, whenever an advantage offers. Thoſe who
:mpt by outrage and violence to deprive men
any advantage which they hold under the laws,
l to deſtroy the natural order of life, proclaim
r againſt them.

We have read in hiſtory of that furious inſur-
ıtion of the common people in France called
: *Jacquerie*; for this is not the firſt time that
: people have been enlightened into treaſon,
ırder, and rapine. Its object was to extirpate
: gentry. The *Captal de Buche*, a famous ſoldier
thoſe days, diſhonoured the name of a gentleman
l of á man, by taking, for their cruelties, a cruel
ıgeance on theſe deluded wretches: it was,
vever, his right and his duty to make war upon
m, and afterwards, in moderation, to bring
m to puniſhment for their rebellion; though
the ſenſe of the French revolution, and of ſome
our clubs, they were the *people*; and were truly
if you will call by that appellation *any majority*
men told by the head.

At a time not very remote from the ſame period
r theſe humours never have affected one of the
ions without ſome influence on the other) hap-
ıed ſeveral riſings of the lower commons in
gland. Theſe inſurgents were certainly the ma-
ity of the inhabitants of the counties in which
:y reſided; and Cade, Ket, and Straw, at the
ıd of their national guards, and fomented by
certain

Mr. Burke. certain traitors of high rank, did no more than exert, according to the doctrines of ours and the Parisian ſocieties, the ſovereign power inherent in the majority.

We call the time of thoſe events a dark age. Indeed we are too indulgent to our own proficiency. The abbé John Ball underſtood the rights of man as well as the abbé Gregoire. That reverend patriarch of ſedition, and prototype of our modern preachers, was of opinion with the national aſſembly, that all the evils which have fallen upon men had been cauſed by an ignorance of their "having been born and continued equal as to their rights." Had the populace been able to repeat that profound maxim, all would have gone perfectly well with them. No tyranny, no vexation, no oppreſſion, no care, no ſorrow could have exiſted in the world. This would have cured them like a charm for the toothach. But the loweſt wretches, in their moſt ignorant ſtate, were able at all times to talk ſuch ſtuff; and yet at all times have they ſuffered many evils and many oppreſſions, both before and ſince the republication by the national aſſembly of this ſpell of healing potency and virtue. The enlightened Dr. Ball, when he wiſhed to rekindle the lights and fires of his audience on this point, choſe for a text the following couplet:

> When Adam delved and Eve ſpan,
> Who was then the gentleman?

Of this ſapient maxim, however, I do not give him

or the inventor. It ſeems to have been handed down by tradition, and had certainly become proverbial; but whether then compoſed, or only applied, thus much muſt be admitted, that in learning, ſenſe, energy, and comprehenſiveneſs, it is fully equal to all the modern diſſertations on the equality of mankind; and it has one advantage over them, —that it is in rhyme. Mr. Burke.

There is no doubt but that this great teacher of the rights of man decorated his diſcourſe on this valuable text with lemmas, theorems, ſcholia, corollaries, and all the apparatus of ſcience, which were furniſhed in as great plenty and perfection out of the dogmatic and polemic magazines, the old horſe-armoury of the ſchoolmen among whom the rev. doctor Ball was bred, as they can be ſupplied from the new arſenal at Hackney. It was, no doubt, diſpoſed with all the adjutancy of definition and diviſion, in which (I ſpeak it with ſubmiſſion) the old marſhals were as able as the modern martinets. Neither can we deny that the philoſophic auditory, when they had once obtained this knowledge, could never return to their former ignorance, or, after ſo inſtructive a lecture, be in the ſame ſtate of mind as if they had never heard it. But theſe poor people, who were not to be envied for their knowledge, but pitied for their deluſion, were not reaſoned (that was impoſſible) but beaten out of their lights. With their teacher they were delivered over to the lawyers, who wrote in their blood the ſtatutes of the land, as harſhly, and in the ſame

Mr. Burke.

ſame ſort of ink, as they and their teachers had written the rights of man.

Our doctors of the day are not ſo fond of quoting the opinions of this ancient ſage as they are of imitating his conduct; firſt, becauſe it might appear that they are not as great inventors as they would be thought; and next, becauſe, unfortunately for his fame, he was not ſucceſsful. It is a remark, liable to as few exceptions as any generality can be, that they who applaud proſperous folly, and adore triumphant guilt, have never been known to ſuccour, or even to pity, human weakneſs or offence when they become ſubject to human viciſſitude, and meet with puniſhment inſtead of obtaining power. Abating for their want of ſenſibility to the ſufferings of their aſſociates, they are not ſo much in the wrong; for madneſs and wickedneſs are things foul and deformed in themſelves, and ſtand in need of all the coverings and trappings of fortune to recommend them to the multitude. Nothing can be more loathſome in their naked nature.

Aberrations like theſe, whether ancient or modern, unſucceſsful or proſperous, are things of paſſage. They furniſh no argument for ſuppoſing a *multitude told by the head to be the people.* Such a multitude can have no ſort of title to alter the ſeat of power in the ſociety, in which it ever ought to be the obedient, and not the ruling or preſiding part. What power may belong to the whole maſs, in which maſs the natural *ariſtocracy*, or what

what by convention is appointed to repreſent and ſtrengthen it, acts in its proper place, with its proper weight, and without being ſubjected to violence, is a deeper queſtion. But in that caſe, and with that concurrence, I ſhould have much doubt whether any raſh or deſperate changes in the ſtate, ſuch as we have ſeen in France, could ever be effected. Mr. Burke.

I have ſaid, that in all political queſtions the conſequences of any aſſumed rights are of great moment in deciding upon their validity. In this point of view, let us a little ſcrutiniſe the effects of a right in the mere majority of the inhabitants of any country of ſuperſeding and altering their government *at pleaſure*.

The ſum total of every people is compoſed of its units. Every individual muſt have a right to originate what afterwards is to become the act of the majority. Whatever he may lawfully originate, he may lawfully endeavour to accompliſh. He has a right therefore in his own particular to break the ties and engagement which bind him to the country in which he lives; and he has a right to make as many converts to his opinions, and to obtain as many aſſociates in his deſigns, as he can procure: for how can you know the diſpoſitions of the majority to deſtroy their government, but by tampering with ſome part of the body? You muſt begin by a ſecret conſpiracy, that you may end with a national confederation. The mere pleaſure of the beginner muſt be the ſole guide; ſince the mere pleaſure of others muſt be the ſole ultimate

Mr. Burke.

ſanction, as well as the ſole actuating principle in every part of the progreſs. Thus arbitrary will (the laſt corruption of ruling power), ſtep by ſtep, poiſons the heart of every citizen. If the undertaker fails, he has the misfortune of a rebel, but not the guilt. By ſuch doctrines, all love to our country, all pious veneration and attachment to its laws and cuſtoms, are obliterated from our minds; and nothing can reſult from this opinion, when grown into a principle, and animated by diſcontent, ambition, or enthuſiaſm, but a ſeries of conſpiracies and ſeditions, ſometimes ruinous to their authors, always noxious to the ſtate. No ſenſe of duty can prevent any man from being a leader or a follower in ſuch enterpriſes. Nothing reſtrains the tempter; nothing guards the tempted. Nor is the new ſtate, fabricated by ſuch arts, ſafer than the old. What can prevent the mere will of any perſon, who hopes to unite the wills of others to his own, from an attempt wholly to overturn it? It wants nothing but a diſpoſition to trouble the eſtabliſhed order, to give a title to the enterpriſe.

When you combine this principle of the right to change a fixed and tolerable conſtitution of things at pleaſure, with the theory and practice of the French aſſembly, the political, civil, and moral irregularity are if poſſible aggravated. The aſſembly have found another road, and a far more commodious, to the deſtruction of an old government, and the legitimate formation of a new one, than through the previous will of the majority of what

they

they call the people. Get, ſay they, the poſſeſſion of power by any means you can into your hands; and then a ſubſequent conſent (what they call an *addreſs of adheſion)* makes your authority as much the act of the people as if they had conferred upon you originally that kind and degree of power, which, without their permiſſion, you had ſeized upon. This is to give a direct ſanction to fraud, hypocriſy, perjury, and the breach of the moſt ſacred truſts that can exiſt between man and man. What can ſound with ſuch horrid diſcordance in the moral ear, as this poſition, That a delegate with limited powers may break his ſworn engagements to his conſtituent, aſſume an authority never committed to him, to alter all things at his pleaſure; and then, if he can perſuade a large number of men to flatter him in the power he has uſurped, that he is abſolved in his own conſcience, and ought to ſtand acquitted in the eyes of mankind? On this ſcheme, the maker of the experiment muſt begin with a determined perjury. That point is certain. He muſt take his chance for the expiatory addreſſes. This is to make the ſucceſs of villany the ſtandard of innocence. Mr. Burke.

Without drawing on, therefore, very ſhocking conſequences, neither by previous conſent, nor by ſubſequent ratification of a *mere reckoned majority*, can any ſet of men attempt to diſſolve the ſtate at their pleaſure. To apply this to our preſent ſubject. When the ſeveral orders, in their ſeveral

Mr. Burke. bailliages, had met in the year 1789, ſuch of them, I mean, as had met peaceably and conſtitutionally, to chooſe and to inſtruct their repreſentatives, ſo organized, and ſo acting (becauſe they were organized and were acting according to the conventions which made them a people), they were the *people* of France. They had a legal and a natural capacity to be conſidered as that people. But obſerve, whilſt they were in this ſtate, that is, whilſt they were a people, in no one of their inſtructions did they charge or even hint at any of thoſe things, which have drawn upon the uſurping aſſembly, and their adherents, the deteſtation of the rational and thinking part of mankind. I will venture to affirm, without the leaſt apprehenſion of being contradicted by any perſon who knows the then ſtate of France, that if any one of the changes were propoſed, which form the fundamental parts of their revolution, and compoſe its moſt diſtinguiſhing acts, it would not have had one vote in twenty thouſand in any order. Their inſtructions purported the direct contrary to all thoſe famous proceedings which are defended as the acts of the people. Had ſuch proceedings been expected, the great probability is, that the people would then have riſen, as to a man, to prevent them. The whole organization of the aſſembly was altered, the whole frame of the kingdom was changed, before theſe things could be done. It is long to tell, by what evil arts of the conſpirators,

and

and by what extreme weakneſs and want of ſteadi- Mr. Burke.
neſs in the lawful government, this equal uſurpation on the rights of the prince and people, having firſt cheated, and then offered violence to both, has been able to triumph, and to employ with ſucceſs the forged ſignature of an impriſoned ſovereign, and the ſpurious voice of dictated addreſſes, to a ſubſequent ratification of things that had never received any previous ſanction, general or particular, expreſſed or implied, from the nation (in whatever ſenſe that word is taken), or from any part of it.

After the weighty and reſpectable part of the people had been murdered, or driven by the menaces of murder from their houſes, or were diſperſed in exile into every country in Europe; after the ſoldiery had been debauched from their officers; after property had loſt its weight and conſideration, along with its ſecurity; after voluntary clubs and aſſociations of factious and unprincipled men were ſubſtituted in the place of all the legal corporations of the kingdom arbitrarily diſſolved; after freedom had been baniſhed from thoſe popular meetings, whoſe ſole recommendation is freedom;—after it had come to that paſs, that no diſſent dared to appear in any of them, but at the certain price of life; after even diſſent had been anticipated, and aſſaſſination became as quick as ſuſpicion; ſuch pretended ratification by addreſſes could be no act of what any lover of the people would chooſe to call by their name. It is that voice which every ſucceſsful uſur-

Mr. Burke. pation, as well as this before us, may eaſily procure, even without making (as theſe tyrants have made) donatives from the ſpoil of one part of the citizens to corrupt the other.

The pretended *rights of man*, which have made this havoc, cannot be the rights of the people: for to be a people, and to have theſe rights, are things incompatible. The one ſuppoſes the preſence, the other the abſence of a ſtate of civil ſociety. The very foundation of the French commonwealth is falſe and ſelf-deſtructive; nor can its principles be adopted in any country, without the certainty of bringing it to the very ſame condition in which France is found. Attempts are made to introduce them into every nation in Europe. This nation, as poſſeſſing the greateſt influence, they wiſh moſt to corrupt, as by that means they are aſſured the contagion muſt become general. I hope, therefore, I ſhall be excuſed, if I endeavour to ſhew, as ſhortly as the matter will admit, the danger of giving to them, either avowedly or tacitly, the ſmalleſt countenance.

There are times and circumſtances, in which not to ſpeak out is at leaſt to connive. Many think it enough for them, that the principles propagated by theſe clubs and ſocieties, enemies to their country and its conſtitution, are not owned by the *modern whigs in parliament*, who are ſo warm in condemnation of Mr. Burke and his book, and of courſe of all the principles of the ancient conſtitutional whigs of this kingdom. Certainly they

they are not owned. But are they condemned with the ſame zeal as Mr. Burke and his book are condemned? Are they condemned at all? Are they rejected or diſcountenanced in any way whatſoever? Is any man who would fairly examine into the demeanour and principles of thoſe ſocieties, and that too very moderately, and in the way rather of admonition than of puniſhment, is ſuch a man even decently treated? Is he not reproached, as if, in condemning ſuch principles, he had belied the conduct of his whole life, ſuggeſting that his life had been governed by principles ſimilar to thoſe which he now reprobates? The French ſyſtem is in the mean time, by many active agents out of doors, rapturouſly praiſed; the Britiſh conſtitution is coldly tolerated. But theſe conſtitutions are different, both in the foundation and in the whole ſuperſtructure; and it is plain, that you cannot build up the one but on the ruins of the other. After all, if the French be a ſuperior ſyſtem of liberty, why ſhould we not adopt it? To what end are our praiſes? Is excellence held out to us only that we ſhould not copy after it? And what is there in the manners of the people, or in the climate of France, which renders that ſpecies of republic fitted for them, and unſuitable to us? A ſtrong and marked difference between the two nations ought to be ſhewn, before we can admit a conſtant affected panegyric, a ſtanding annual commemoration, to be without any tendency to an example. Mr. Burke.

Mr. Burke.

But the leaders of party will not go the length of the doctrines taught by the ſeditious clubs. I am ſure they do not mean to do ſo. God forbid! Perhaps even thoſe who are directly carrying on the work of this pernicious foreign faction, do not all of them intend to produce all the miſchiefs which muſt inevitably follow from their having any ſucceſs in their proceedings. As to leaders in parties, nothing is more common than to ſee them blindly led. The world is governed by go-betweens. Theſe go-betweens influence the perſons with whom they carry on the intercourſe, by ſtating their own ſenſe to each of them as the ſenſe of the other; and thus they reciprocally maſter both ſides. It is firſt buzzed about the ears of leaders, "that "their friends without doors are very eager for "ſome meaſure, or very warm about ſome opi-"nion—that you muſt not be too rigid with them. "They are uſeful perſons, and zealous in the "cauſe. They may be a little wrong; but the "ſpirit of liberty muſt not be damped; and by "the influence you obtain from ſome degree of "concurrence with them at preſent, you may be "enabled to ſet them right hereafter."

Thus the leaders are at firſt drawn to a connivance with ſentiments and proceedings, often totally different from their ſerious and deliberate notions. But their acquieſcence anſwers every purpoſe.

With no better than ſuch powers, the go-betweens aſſume a new repreſentative character. What

at at beſt was but an acquieſcence, is magni- Mr. Burke.
into an authority, and thence into a deſire on
part of the leaders; and it is carried down as
to the ſubordinate members of parties. By
artifice they in their turn are led into meaſures
:h at firſt, perhaps, few of them wiſhed at all,
t leaſt did not deſire vehemently or ſyſtemati-
r.

'here is in all parties, between the principal
ers in parliament, and the loweſt followers out
oors, a middle ſort of men; a ſort of equeſtrian
:r, who, by the ſpirit of that middle ſituation,
:he fitteſt for preventing things from running
ccefs. But indeciſion, though a vice of a totally
:rent character, is the natural accomplice of vio-
e. The irreſolution and timidity of thoſe who
poſe this middle order, often prevent the effect
ieir controuling ſituation. The fear of differing
the authority of leaders on the one hand, and
ontradicting the deſires of the multitude on the
:r, induces them to give a careleſs and paſſive
it to meaſures in which they never were con-
:d: and thus things proceed, by a ſort of acti-
of inertneſs, until whole bodies, leaders, middle
, and followers, are all hurried, with every ap-
ance, and with many of the effects, of unani-
r, into ſchemes of politics, in the ſubſtance of
:h no two of them were ever fully agreed, and
origin and authors of which, in this circular
le of communication, none of them find it
ible to trace. In my experience I have ſeen
much

Mr. Burke.

much of this in affairs, which, t
compariſon to the preſent, were
portance to parties; and I have k
by it. The ſober part give their
through inattention and levity;
it through neceſſity. A violent
which the preſiding minds, after
impracticable to ſtop at their plea
to regulate, or even to direct.

This ſhews, in my opinion, ho
awakened all men ought to be, w
to by the public, and who deſerve
to prevent a ſurpriſe on their opi
mas are ſpread, and projects purſu
foundations of ſociety may be
they liſten even to moderate alte
vernment of their country, they c
that principles are not propagated
which are too big for their object
ed in their preſent application, a
general principles, are never mea
to what they at firſt pretend. If
prognoſtic of the effect of the pre
on the people, from their ſenſe
they ſuffer under this conſtitution
be at eaſe. But there is a wide d
the multitude, when they act aga
ment from a ſenſe of grievance,
ſome opinions. When men are tho
with that zeal, it is difficult to cal
is certain, that its power is by n

proportion to its reaſonableneſs. It muſt always have been diſcoverable by perſons of reflection, but it is now obvious to the world, that a theory concerning government may become as much a cauſe of fanaticiſm as a *dogma* in religion. There is a boundary to men's paſſions when they act from feeling; none when they are under the influence of imagination. Remove a grievance, and, when men act from feeling, you go a great way towards quieting a commotion. But the good or bad conduct of a government, the protection men have enjoyed, or the oppreſſion they have ſuffered under it, are of no ſort of moment, when a faction proceeding upon ſpeculative grounds is thoroughly heated againſt its form. When a man is, from ſyſtem, furious againſt monarchy or epiſcopacy, the good conduct of the monarch or the biſhop has no other effect than further to irritate the adverſary. He is provoked at it, as furniſhing a plea for preſerving the thing which he wiſhes to deſtroy. His mind will be heated as much by the ſight of a ſceptre, a mace, or a verge, as if he had been daily bruiſed and wounded by theſe ſymbols of authority. Mere ſpectacles, mere names, will become ſufficient cauſes to ſtimulate the people to war and tumult. Mr. Burke.

Some gentlemen are not terrified by the facility with which government has been overturned in France. The people of France, they ſay, had nothing to loſe in the deſtruction of a bad conſtitution; but though not the beſt poſſible, we have ſtill a good ſtake in ours, which will hinder us from

deſperate

Mr. Burke. deſperate riſks. Is this any ſecurity at all againſt thoſe who ſeem to perſuade themſelves, and who labour to perſuade others, that our conſtitution is an uſurpation in its origin, unwiſe in its contrivance, miſchievous in its effects, contrary to the rights of man, and in all its parts a perfect nuiſance? What motive has any rational man, who thinks in that manner, to ſpill his blood, or even to riſk a ſhilling of his fortune, or to waſte a moment of his leiſure, to preſerve it? If he has any duty relative to it, his duty is to deſtroy it. A conſtitution on ſufferance is a conſtitution condemned. Sentence is already paſſed upon it. The execution is only delayed. On the principles of theſe gentlemen, it neither has nor ought to have any ſecurity. So far as regards them, it is left naked, without friends, partiſans, aſſertors or protectors.

Let us examine into the value of this ſecurity upon the principles of thoſe who are more ſober; of thoſe who think, indeed, the French conſtitution better, or at leaſt as good as the Britiſh, without going to all the lengths of the warmer politicians in reprobating their own. Their ſecurity amounts in reality to nothing more than this—that the difference between their republican ſyſtem and the Britiſh limited monarchy is not worth a civil war. This opinion, I admit, will prevent people not very enterpriſing in their nature, from an active undertaking againſt the Britiſh conſtitution. But it is the pooreſt defenſive principle that ever was infuſed into the mind of man againſt the attempts

of

of thoſe who will enterpriſe. It will tend totally to remove from their minds that very terror of a civil war, which is held out as our ſole ſecurity. They who think ſo well of the French conſtitution, certainly will not be the perſons to carry on a war to prevent their obtaining a great benefit, or at worſt a fair exchange. They will not go to battle in favour of a cauſe in which their defeat might be more advantageous to the public than their victory. They muſt at leaſt tacitly abet thoſe who endeavour to make converts to a ſound opinion; they muſt diſcountenance thoſe who would oppoſe its propagation. In proportion as by theſe means the enterpriſing party is ſtrengthened, the dread of a ſtruggle is leſſened. See what an encouragement this is to the enemies of the conſtitution! A few aſſaſſinations, and a very great deſtruction of property, we know they conſider as no real obſtacles in the way of a grand political change. And they will hope, that here, if anti monarchical opinions gain ground, as they have done in France, they may, as in France, accompliſh a revolution without a war. Mr. Burke.

They who think ſo well of the French conſtitution, cannot be ſeriouſly alarmed by any progreſs made by its partiſans. Proviſions for ſecurity are not to be received from thoſe who think that there is no danger.—No; there is no plan of ſecurity to be liſtened to but from thoſe who entertain the ſame fears with ourſelves; from thoſe who think that the thing to be ſecured is a great bleſſing; and the thing againſt which we would ſecure it a great miſchief.

Mr. Burke. miſchief. Every perſon of a different opinion muſt be careleſs about ſecurity.

"But the leaders of the factious ſocieties," it is ſaid, "are too wild to ſucceed in this their under-"taking." I hope ſo. But ſuppoſing them wild and abſurd, is there no danger but from wiſe and reflecting men? Perhaps the greateſt miſchiefs that have happened in the world, have happened from perſons as wild as thoſe we think the wildeſt. In truth, they are the fitteſt beginners of all great changes. Why encourage men in a miſchievous proceeding, becauſe their abſurdity may diſappoint their malice? "But noticing them may give them "conſequence." Certainly. But they are noticed; and they are noticed, not with reproof, but with that kind of countenance which is given by an *apparent* concurrence (not a *real* one, I am convinced) of a great party, in the praiſes of the object which they hold out to imitation.

But I hear a language ſtill more extraordinary, and indeed of ſuch a nature as muſt ſuppoſe, or leave, us at their mercy. It is this—"You know "their promptitude in writing, and their diligence "in caballing; to write, ſpeak, or act againſt "them, will only ſtimulate them to new efforts."—This way of conſidering the principle of their conduct pays but a poor compliment to theſe gentlemen. They pretend that their doctrines are infinitely beneficial to mankind; but it ſeems they would keep them to themſelves, if they were not greatly provoked. They are benevolent from ſpite.

Their

heir oracles are like thoſe of *Proteus* (whom ſome Mr. Burke.
ople think they reſemble in many particulars),
o never would give his reſponſes unleſs you
ed him as ill as poſſible. Theſe cats, it ſeems,
uld not give out their electrical light without
ving their backs well rubbed. But this is not to do
em perfect juſtice. They are ſufficiently communi-
tive. Had they been quiet, the propriety of any
itation of topics on the origin and primary rights
government, in oppoſition to their private ſenti-
ents, might poſſibly be doubted. But, as it is
torious, that they were proceeding as faſt, and
far, as time and circumſtances would admit,
th in their diſcuſſions and cabals—as it is not to
denied, that they had opened a correſpondence
ith a foreign faction, the moſt wicked the world
er ſaw, and eſtabliſhed anniverſaries to com-
emorate the moſt monſtrous, cruel, and perfi-
ous of all the proceedings of that faction—the
eſtion is, whether their conduct was to be re-
arded in ſilence, leſt our interference ſhould ren-
er them outrageous? Then let them deal as they
leaſe with the conſtitution. Let the lady be paſ-
ive, leſt the raviſher ſhould be driven to force.
Reſiſtance will only increaſe his deſires. Yes, truly,
if the reſiſtance be feigned and feeble. But they
who are wedded to the conſtitution will not act the
part of wittols. They will drive ſuch ſeducers from
the houſe on the firſt appearance of their love-
letters, and offered aſſignations. But if the author
of the Reflections, though a vigilant, was not a

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diſcreet guardian of the conſtitution, let them who have the ſame regard to it, ſhew themſelves as vigilant and more ſkilful in repelling the attacks of ſeduction or violence. Their freedom from jealouſy is equivocal, and may ariſe as well from indifference to the object, as from confidence in her virtue.

On their principle, it is the reſiſtance, and not the aſſault, which produces the danger. I admit, indeed, that, if we eſtimated the danger by the value of the writings, it would be little worthy of our attention: contemptible theſe writings are in every ſenſe. But they are not the cauſe; they are the diſguſting ſymptoms of a frightful diſtemper. They are not otherwiſe of conſequence than as they ſhew the evil habit of the bodies from whence they come. In that light the meaneſt of them is a ſerious thing. If however I ſhould under-rate them; and if the truth is, that they are not the reſult, but the cauſe of the diſorders I ſpeak of, ſurely thoſe who circulate operative poiſons, and give, to whatever force they have by their nature, the further operation of their authority and adoption, are to be cenſured, watched, and, if poſſible, repreſſed.

At what diſtance the direct danger from ſuch factions may be, it is not eaſy to fix. An adaptation of circumſtances to deſigns and principles is neceſſary. But theſe cannot be wanting for any long time, in the ordinary courſe of ſublunary affairs. Great diſcontents frequently ariſe in the beſt conſtituted governments, from cauſes which no human wiſdom can foreſee, and no human power can prevent.

vent. They occur at uncertain periods, but at periods which are not commonly far aſunder. Governments of all kinds are adminiſtered only by men; and great miſtakes, tending to inflame theſe diſcontents, may concur. The indeciſion of thoſe who happen to rule at the critical time, their ſupine neglect, or their precipitate and ill-judged attention, may aggravate the public misfortunes. In ſuch a ſtate of things, the principles, now only ſown, will ſhoot out and vegetate in full luxuriance. In ſuch circumſtances the minds of the people become ſore and ulcerated. They are put out of humour with all public men, and all public parties; they are fatigued with their diſſenſions; they are irritated at their coalitions; they are made eaſily to believe (what much pains are taken to make them believe) that all oppoſitions are factious, and all courtiers baſe and ſervile. From their diſguſt at men, they are ſoon led to quarrel with their frame of government, which they preſume gives nouriſhment to the vices, real or ſuppoſed, of thoſe who adminiſter in it. Miſtaking malignity for ſagacity, they are ſoon led to caſt off all hope from a good adminiſtration of affairs, and come to think that all reformation depends, not on a change of actors, but upon an alteration in the machinery. Then will be felt the full effect of encouraging doctrines which tend to make the citizens deſpiſe their conſtitution. Then will be felt the plenitude of the miſchief of teaching the people to believe, that all ancient inſtitutions are the reſult of ignorance; and that all

Mr. Burke.

Mr. Burke. preſcriptive government is in its nature uſurpation. Then will be felt, in all its energy, the danger of encouraging a ſpirit of litigation in perſons of that immature and imperfect ſtate of knowledge which ſerves to render them ſuſceptible of doubts, but incapable of their ſolution. Then will be felt, in all its aggravation, the pernicious conſequence of deſtroying all docility in the minds of thoſe who are not formed for finding their own way in the labyrinths of political theory, and are made to reject the clue, and to diſdain the guide. Then will be felt, and too late will be acknowledged, the ruin which follows the disjoining of religion from the ſtate; the ſeparation of morality from policy; and the giving conſcience no concern and no coactive or coercive force in the moſt material of all the ſocial ties, the principle of our obligations to government.

I know too, that beſides this vain, contradictory, and ſelf-deſtructive ſecurity, which ſome men derive from the habitual attachment of the people to this conſtitution, whilſt they ſuffer it with a ſort of ſportive acquieſcence to be brought into contempt before their faces, they have other grounds for removing all apprehenſion from their minds. They are of opinion, that there are too many men of great hereditary eſtates and influence in the kingdom, to ſuffer the eſtabliſhment of the levelling ſyſtem which has taken place in France. This is very true, if, in order to guide the power which now attends their property, theſe men poſſeſs the

wiſdom which is involved in early fear. But if, through a ſupine ſecurity, to which ſuch fortunes are peculiarly liable, they neglect the uſe of their influence in the ſeaſon of their power, on the firſt derangement of ſociety, the nerves of their ſtrength will be cut. Their eſtates, inſtead of being the means of their ſecurity, will become the very cauſes of their danger. Inſtead of beſtowing influence, they will excite rapacity. They will be looked to as a prey. Mr. Burk

Such will be the impotent condition of thoſe men of great hereditary eſtates, who indeed diſlike the deſigns that are carried on, but whoſe diſlike is rather that of ſpectators, than of parties that may be concerned in the cataſtrophe of the piece. But riches do not in all caſes ſecure even an inert and paſſive reſiſtance. There are always, in that deſcription, men whoſe fortunes, when their minds are once vitiated by paſſion or by evil principle, are by no means a ſecurity from their actually taking their part againſt the public tranquillity. We ſee to what low and deſpicable paſſions of all kinds many men in that claſs are ready to ſacrifice the patrimonial eſtates, which might be perpetuated in their families with ſplendour, and with the fame of hereditary benefactors to mankind from generation to generation. Do we not ſee how lightly people treat their fortunes when under the influence of the paſſion of gaming? The game of ambition or reſentment will be played by many of the rich and great, as deſperately, and with as much blind-

Mr. Burke.

neſs to the conſequences, as any other game. Was he a man of no rank or fortune, who firſt ſet on foot the diſturbances which have ruined France? Paſſion blinded him to the conſequences, ſo far as they concerned himſelf; and as to the conſequences with regard to others, they were no part of his conſideration; nor ever will be with thoſe who bear any reſemblance to that virtuous patriot and lover of the rights of man.

There is alſo a time of inſecurity, when intereſts of all ſorts become objects of ſpeculation. Then it is, that their very attachment to wealth and importance will induce ſeveral perſons of opulence to liſt themſelves, and even to take a lead with the party which they think moſt likely to prevail, in order to obtain to themſelves conſideration in ſome new order or diſorder of things. They may be led to act in this manner, that they may ſecure ſome portion of their own property; and perhaps to become partakers of the ſpoil of their own order. Thoſe who ſpeculate on change, always make a great number among people of rank and fortune, as well as amongſt the low and the indigent.

What ſecurity againſt all this?—All human ſecurities are liable to uncertainty. But if any thing bids fair for the prevention of ſo great a calamity, it muſt conſiſt in the uſe of the ordinary means of juſt influence in ſociety, whilſt thoſe means continue unimpaired. The public judgment ought to receive a proper direction. All weighty men may have their ſhare in ſo good a work. As yet, notwithſtanding

withſtanding the ſtrutting and lying independence of a braggart philoſophy, nature maintains her rights, and great names have great prevalence. Two ſuch men as Mr. Pitt and Mr. Fox, adding to their authority in a point in which they concur, even by their diſunion in every thing elſe, might frown theſe wicked opinions out of the kingdom. But if the influence of either of them, or the influence of men like them, ſhould, againſt their ſerious intentions, be otherwiſe perverted, they may countenance opinions which (as I have ſaid before, and could wiſh over and over again to preſs) they may in vain attempt to controul. In their theory, theſe doctrines admit no limit, no qualification whatſoever. No man can ſay how far he will go, who joins with thoſe who are avowedly going to the utmoſt extremities. What ſecurity is there for ſtopping ſhort at all in theſe wild conceits? Why, neither more nor leſs than this—that the moral ſentiments of ſome few amongſt them do put ſome check on their ſavage theories. But let us take care. The moral ſentiments, ſo nearly connected with early prejudice as to be almoſt one and the ſame thing, will aſſuredly not live long under a diſcipline, which has for its baſis the deſtruction of all prejudices, and the making the mind proof againſt all dread of conſequences flowing from the pretended truths that are taught by their philoſophy. Mr. Burke.

In this ſchool the moral ſentiments muſt grow weaker and weaker every day. The more cautious

Mr. Burke. of theſe teachers, in laying down their maxims, draw as much of the concluſion as ſuits, not with their premiſes, but with their policy. They truſt the reſt to the ſagacity of their pupils. Others, and theſe are the moſt vaunted for their ſpirit, not only lay down the ſame premiſes, but boldly draw the concluſions to the deſtruction of our whole conſtitution in church and ſtate. But are theſe concluſions truly drawn? Yes, moſt certainly. Their principles are wild and wicked. But let juſtice be done even to phrenſy and villany. Theſe teachers are perfectly ſyſtematic. No man who aſſumes their grounds can tolerate the Britiſh conſtitution in church or ſtate. Theſe teachers profeſs to ſcorn all mediocrity; to engage for perfection; to proceed by the ſimpleſt and ſhorteſt courſe. They build their politics, not on convenience but on truth; and they profeſs to conduct men to certain happineſs by the aſſertion of their undoubted rights. With them there is no compromiſe. All other governments are uſurpations, which juſtify and even demand reſiſtance.

The whole ſcheme of our mixed conſtitution is to prevent any one of its principles from being carried as far as, taken by itſelf, and theoretically, it would go. Allow that to be the true policy of the Britiſh ſyſtem, then moſt of the faults with which that ſyſtem ſtands charged will appear to be, not imperfections into which it has inadvertently fallen, but excellencies which it has ſtudiouſly ſought. To avoid the perfections of extreme, all its ſeveral

parts

parts are ſo conſtituted, as not alone to anſwer their own ſeveral ends, but alſo each to limit and controul the others; inſomuch that, take which of the principles you pleaſe, you will find its operation checked and ſtopped at a certain point. The whole movement ſtands ſtill, rather than that any part ſhould proceed beyond its boundary. From thence it reſults, that in the Britiſh conſtitution there is a perpetual treaty and compromiſe going on, ſometimes openly, ſometimes with leſs obſervation. To him who contemplates the Britiſh conſtitution, as to him who contemplates the ſubordinate material world, it will always be a matter of his moſt curious inveſtigation, to diſcover the ſecret of this mutual limitation— Mr. Burke.

——— *Finita* poteſtas denique *cuique*
Quanam ſit ratione, atque alte terminus hærens?

They who have acted, as in France they have done, upon a ſcheme wholly different, and who aim at the abſtract and unlimited perfection of power in the popular part, can be of no ſervice to us in any of our political arrangements. They who in their headlong career have overpaſſed the goal, can furniſh no example to thoſe who aim to go no further. The temerity of ſuch ſpeculators is no more an example than the timidity of others. The one ſort ſcorns the right; the other fears it; both miſs it. But thoſe who by violence go beyond the barrier, are without queſtion the moſt miſchievous; becauſe to go beyond it they overturn and deſtroy it. To ſay they have ſpirit, is to ſay nothing in

Mr. Burke.

their praiſe. The untempered ſpirit of madneſs, blindneſs, immorality, and impiety, deſerves no commendation. He that ſets his houſe on fire becauſe his fingers are froſt-bitten, can never be a fit inſtructor in the method of providing our habitations with a cheerful and ſalutary warmth. We want no foreign examples to rekindle in us the flame of liberty. The example of our own anceſtors is abundantly ſufficient to maintain the ſpirit of freedom in its full vigour, and to qualify it in all its exertions. The example of a wiſe, moral, well-natured, and well-tempered ſpirit of freedom is that alone which can be uſeful to us, or in the leaſt degree reputable or ſafe. Our fabric is ſo conſtituted; one part of it bears ſo much on the other, the parts are ſo made for one another, and for nothing elſe, that to introduce any foreign matter into it, is to deſtroy it.

What has been ſaid of the Roman empire, is at leaſt as true of the Britiſh conſtitution—"*Oettingen-*
"*torum annorum fortuna, diſciplinaque, compages hæc*
"*coaluit; quæ convelli ſine convellentium exitio non*
"*poteſt.*"—This Britiſh conſtitution has not been ſtruck out at an heat by a ſet of preſumptuous men, like the aſſembly of pettifoggers run mad in Paris—

"'Tis not the haſty product of a day,
"But the well-ripen'd fruit of wiſe delay."

It is the reſult of the thoughts of many minds, in many ages. It is no ſimple, no ſuperficial thing, nor to be eſtimated by ſuperficial underſtandings.

An

An ignorant man, who is not fool enough to meddle with his clock, is however ſufficiently confident to think he can ſafely take to pieces, and put together at his pleaſure, a moral machine of another nature, importance and complexity, compoſed of far other wheels, and ſprings, and balances, and counteracting and co-operating powers. Men little think how immorally they act in raſhly meddling with what they do not underſtand. Their deluſive good intention is no ſort of excuſe for their preſumption. They who truly mean well muſt be fearful of acting ill. The Britiſh conſtitution may have its advantages pointed out to wiſe and reflecting minds; but it is of too high an order of excellence to be adapted to thoſe which are common. It takes in too many views, it makes too many combinations, to be ſo much as comprehended by ſhallow and ſuperficial underſtandings. Profound thinkers will know it in its reaſon and ſpirit. The leſs enquiring will recognize it in their feelings and their experience. They will thank God they have a ſtandard, which, in the moſt eſſential point of this great concern, will put them on a par with the moſt wiſe and knowing. Mr. Burke.

If we do not take to our aid the foregone ſtudies of men reputed intelligent and learned, we ſhall be always beginners. But men muſt learn ſomewhere; and the new teachers mean no more than what they effect, as far as they ſucceed, that is, to deprive men of the benefit of the collected wiſdom of mankind, and to make them blind diſciples of their own particular

Mr. Burke. ticular preſumption. Talk to theſe deluded cr
tures (all the diſciples and moſt of the maſters) w
are taught to think themſelves ſo newly fitted
and furniſhed, and you will find nothing in th
houſes but the refuſe of *Knaves Acre*; nothing
the rotten ſtuff, worn out in the ſervice of delu
and ſedition in all ages, and which being ne
furbiſhed up, patched, and varniſhed, ſerves
enough for thoſe who, being unacquainted with
conflict which has always been maintained betw
the ſenſe and the nonſenſe of mankind, know
thing of the former exiſtence, and the ancient r
tation of the ſame follies. It is near two thou
years ſince it has been obſerved, that theſe dev
of ambition, avarice, and turbulence, were
quated. They are, indeed, the moſt ancient o
common places; common places, ſometime
good and neceſſary cauſes; more frequently o
worſt, but which decide upon neither.—*Eadem
per cauſa, libido, et avaritia, et mutandarum r
amor.—Ceterum libertas et ſpecioſa nomina pretexu
nec quiſquam alienum ſervitium, et dominationem ſib
cupivit, ut non eadem iſta vocabula uſurparet.*

Rational and experienced men tolerably
know, and have always known, how to diſtin
between true and falſe liberty; and between
genuine adherence and the falſe pretence to wh
true. But none, except thoſe who are profou
ſtudied, can comprehend the elaborate contriv
of a fabric fitted to unite private and publi
berty with public force, with order, with pe

with juſtice, and, above all, with the inſtitutions formed for beſtowing permanence and ſtability through ages upon this invaluable whole.

Place, for inſtance, before your eyes ſuch a man as Monteſquieu. Think of a genius not born in every country, or every time; a man gifted by nature with a penetrating aquiline eye; with a judgment prepared with the moſt extenſive erudition; with an herculean robuſtneſs of mind, and nerves not to be broken with labour; a man who could ſpend twenty years in one purſuit. Think of a man, like the univerſal patriarch in Milton (who had drawn up before him, in his prophetic viſion, the whole ſeries of the generations which were to iſſue from his loins), a man capable of placing in review, after having brought together, from the eaſt, the weſt, the north, and the ſouth, from the coarſeneſs of the rudeſt barbariſm to the moſt refined and subtle civilization, all the ſchemes of government which had ever prevailed amongſt mankind, weighing, meaſuring, collating, and comparing them all, joining fact with theory, and calling into council, upon all this infinite aſſemblage of things, all the ſpeculations which have fatigued the underſtandings of profound reaſoners in all times!—Let us then conſider, that all theſe were but ſo many preparatory ſteps to qualify a man, and ſuch a man tinctured with no national prejudice, with no domeſtic affection, to admire, and to hold out to the admiration of mankind the conſtitution of England! And ſhall we Engliſhmen revoke to ſuch a ſuit?

Shall

Mr. Burke. Shall we, when ſo much more than he has pro-
duced remains ſtill to be underſtood and admired,
inſtead of keeping ourſelves in the ſchools of real
ſcience, chooſe for our teachers men incapable of
being taught, whoſe only claim to know is, that
they have never doubted; from whom we can
learn nothing but their own indocility; who would
teach us to ſcorn what in the ſilence of our hearts
we ought to adore?

Different from them are all the great critics.
They have taught us one eſſential rule. I think the
excellent and philoſophic artiſt, a true judge as well
as a perfect follower of nature, ſir Joſhua Reynolds,
has ſomewhere applied it, or ſomething like it, in
his own profeſſion. It is this: That if ever we
ſhould find ourſelves diſpoſed not to admire thoſe
writers or artiſts, Livy and Virgil for inſtance, Ra-
phael or Michael Angelo, whom all the learned have
admired, not to follow our own fancies, but to ſtudy
them until we know how and what we ought to ad-
mire; and if we cannot arrive at this combination
of admiration with knowledge, rather to believe
that we are dull, than that the reſt of the world
has been impoſed on. It is as good a rule, at leaſt,
with regard to this admired conſtitution. We
ought to underſtand it according to our meaſure,
and to venerate where we are not able preſently to
comprehend.

Such admirers were our fathers, to whom we owe
this ſplendid inheritance. Let us improve it with
zeal, but with fear. Let us follow our anceſtors, men

not

: without a rational, though without an excluſive Mr. Burke.
ıfidence in themſelves; who, by reſpecting the
ſon of others, who, by looking backward as well
forward, by the modeſty as well as by the energy
their minds, went on, inſenſibly drawing this
ıſtitution nearer and nearer to its perfection, by
ver departing from its fundamental principles, nor
roducing any amendment which had not a ſub-
ing root in the laws, conſtitution, and uſages of
: kingdom. Let thoſe who have the truſt of
litical or of natural authority ever keep watch
ıinſt the deſperate enterpriſes of innovation; let
en their benevolence be fortified and armed.
ney have before their eyes the example of a mo-
rch, inſulted, degraded, confined, depoſed; his
nily diſperſed, ſcattered, impriſoned; his wife in-
lted to his face, like the vileſt of the ſex, by the
leſt of all populace; himſelf three times dragged
r theſe wretches in an infamous triumph; his
ildren torn from him, in violation of the firſt right
: nature, and given into the tuition of the moſt
ſperate and impious of the leaders of deſperate
d impious clubs; his revenues dilapidated and
undered; his magiſtrates murdered; his clergy
oſcribed, perſecuted, famiſhed; his nobility de-
aded in their rank, undone in their fortunes, fu-
:ives in their perſons; his armies corrupted and
ined; his whole people impoveriſhed, diſunited,
ſolved; whilſt through the bars of his priſon, and
ıidſt the bayonets of his keepers, he hears the tu-
ılt of two conflicting factions, equally wicked and
abandoned,

Mr. Burke. abandoned, who agree in principles, in diſpoſiti and in objects, but who tear each other to pi about the moſt effectual means of obtaining t common end; the one contending to preſerv a while his name and his perſon, the more eaſi deſtroy the royal authority; the other clamou to cut off the name, the perſon, and the mona together, by one ſacrilegious execution. All accumulation of calamity, the greateſt that eve upon one man, has fallen upon his head, be he had left his virtues unguarded by caution; cauſe he was not taught that where power is cerned, he who will confer benefits muſt take rity againſt ingratitude.

SIR BROOKE BOOTHBY.

Obſervations on the Appeal from the New Whigs, &c.

WHEN Mr. Thomas Paine comes to draw his compariſon between the Engliſh and ch conſtitutions, he confines himſelf to the fol- ıg articles: *the mode of elections—the game *—members of the legiſlature holding offices of nment—the right of declaring war—the de- ion of titles, and of the ariſtocracy—the reforma- f the church eſtabliſhment †, and univerſal tolera-*

But the object of this anſwer is to ſhew, whatever of theſe points (ſome of which are

Amongſt the defects of *the conſtitution* one ſhould not xpected to find the game laws, which are mere partial re- ons. By what principle of juſtice the owner of the land, he lets it to another, may not ſtipulate for any reſerve he s, is not eaſy to underſtand. That the penalties under laws are abominably too ſevere, is certain; and that they to be mitigated or repealed: but the principle of them juſt and fair.

In my *Letter to Mr. Burke*, I have endeavoured to ſhew he extreme inequality of the proviſion made for the clergy to degrade the clerical character; that the eccleſiaſtical iction is a heavy grievance uncompenſated by any ad- ge; the teſt act an unjuſt and impolitic reſtraint; and an unequal, unproductive, oppreſſive tax upon induſtry; theſe are "the dregs of time *" upon which the eccle- al ſtate has too long continued. But though I maintain, ſt Mr. Burke, that theſe are ſtrong objects of reform, I lſo maintain, againſt Mr. Paine, that, being attainable by tutional modes of reform, they are no cauſes for deſtruc-

* Lord Bacon.

legiſlative,

Sir Brooke Boothby.

legiſlative, ſome miniſterial, and but a few conſti-
tutional) are not already in our poſſeſſion, and
are worth contending for, may be attained by legal
conſtitutional means; without running to the pe-
rilous experiment of radical innovation. The
ſuperiority of the Engliſh over the French conſti-
tution in the two maſter points, I mean the
giving a limited and uſeful direction to the neceſ-
ſarily exiſting ariſtocratical force, and the placing
in the crown a ſufficient, effective, independent
power to maintain the balance upon which the ex-
iſtence of the conſtitution depends, I have al-
ready endeavoured to prove; but before I pro-
ceed to the conſideration of the reſt of theſe ar-
ticles, I have ſomething to ſay upon that objec-
tion to diſtinctions in ſociety, which he places at
the head of his argument, drawn from the deſcent
of land according to the common law of England.

"The nature and character of ariſtocracy," he ſays, "ſhews itſelf to us in this law. It is a "law againſt every law of nature, and nature her-"ſelf calls for its deſtruction. Eſtabliſh family "juſtice, and ariſtocracy falls. By the ariſtocrati-"cal law of primogeniture*ſhip*, in a family of five "children five are expoſed. Ariſtocracy has never "more than one child. The reſt are thrown to "the cannibal for his prey, and the natural parent "prepares the unnatural repaſt—All the children "which the ariſtocracy diſowns, which are all "except the eldeſt, are in general caſt like or-"phans on a pariſh—With what kind of parental

"affection

"affection can the father or mother contemplate "their younger offspring? by marriage they are "their heirs, but by ariſtocracy they are baſtards "and orphans."——

Sir Brool Boothby

I have quoted this paſſage at ſome length as an extraordinary example of bold and diſhoneſt miſrepreſentation. Would not any man, without previous information, infer from it, that, by the laws of England, parents are *obliged* to leave the whole of their property to their eldeſt, and nothing to the reſt? Will not a foreigner who reads *Droits des Hommes* be ſurpriſed to learn, that notwithſtanding all that is there ſo impudently aſſerted, in England every man is perfectly free to bequeath or ſettle his property on all his children, in any diviſion or proportion he thinks proper, or to make any other diſpoſition of it whatever? and that it actually is the general practice to make an ample proportionate proviſion for them all? A man who can thus deſcend to impoſe upon the ignorant and vulgar, for the ſake of calumniating a deſcription of perſons whom he hates becauſe he envies, is ſurely unworthy of all credit and regard.

Excluſive poſſeſſion of property being no natural right, but an artificial right, founded on the laws of ſociety merely; provided it is ſecured to the rightful claimant, there is nothing over which ſociety has a more undoubted and original deciſion, than over the rights upon which the laws of poſſeſſion ſhall be eſtabliſhed. In Sparta, the ſociety, deſirous of maintaining a perfect demo-

cratic equality, veſted all property in the republic; and under the feudal ſyſtem, the grand fiefs were unalienable. Theſe were the two extremes; but being analogous to the inſtitutions which were intended to be ſupported, admitting the principle, they were wiſe regulations. In the Engliſh government, where the beſt parts of every principle of government are ſo happily blended together to compoſe a whole, ſomething of the ſpirit of each has been preſerved in the regulation of property. To give ſome ſupport to the ariſtocratical principle, on the admiſſion of which to its due weight in the balance we think the ſecurity of our conſtitution depends, in caſes where no previous diſpoſition has been made, the law gives the land to the heir male, and divides the perſonal property, which muſt generally bear ſome conſiderable proportion to it, among the heirs general *; but the excluſive rigour of the Gothic inſtitution has been wholly ſoftened or done away by allowing parents or poſſeſſors the full power to alienate or divide their lordſhips of eſtates as they pleaſe; and perhaps a better order of ſociety has never exiſted any where than on the eſtate of an Engliſh gentleman, living in the midſt of his tenants or yeomanry, uſing the income of his eſtate for its improvement, intereſted to promote the benefit of all for his advantage as well as his ſatisfaction, and providing for the hereditary continuance of this patriarchal

* How is it in America?

ſtate

:e by leaving a repreſentative nurtured in the ıe habits in the midſt of a riſing generation. cluſive property ſeems to benefit the general nmunity by increaſing the general produce: this y be exemplified by obſerving how little pro- :tive common lands are in proportion to thoſe ich are private property. That government ler which ſociety is carried to the greateſt degree number and perfection, and conſequently the ıeral ſum of general happineſs the moſt increaſed, ıſpect, is thereby proved to be the beſt, be its n what it may.

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To return to the order of Mr. Paine's objections. The *repreſentation* comes next to be conſidered; l this has always been one of the ſtrongeſt bat- es of the democratiſts againſt the actual conſtitu- ı of England. "The county of York," ſays . Paine, "which contains near a million of ouls, ſends two county members; ſo does the :ounty of Rutland, which contains not an hun- lredth part of that number."

3y one of the commoneſt of all errors in moral culations, he miſtakes the means for the end. forgets that the object in view is to obtain a ly of repreſentatives proper and adequate to purpoſes for which they are deſigned, and that, his is obtained, it is of no conſequence whether omas ſhall have as many ſquare inches or cu- ounces of repreſentation as John. The mem- s of the houſe of commons are not the repre- tatives of Rutlandſhire or Yorkſhire, but the

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repreſentatives of the nation *, and a thouſand freeholders in one, are juſt as likely to ſend up good men and true as twenty thouſand in the other. This objection might perhaps apply to a congreſs of deputies from ſeparate ſtates, but is here of no weight at all. In theory, a more ſtrong and ſpecious ground of inequality than this might I think have been taken. The county members are ſuppoſed to be ſent up by the landed intereſt, and the perſonal and commercial intereſt to be repreſented by the citizens and burgeſſes: and this is not a ſpeculative, but a real diviſion; for though Rutlandſhire and Yorkſhire can have no ſeparate intereſts, the landed and monied intereſts may frequently come in competition with each other. The diſproportion in number between the repreſentatives of the landed and monied property, of two to one, might therefore appear an eſſential inequality: but the practice has ſhewn it to be otherwiſe; and no ſubject of complaint has been found in the predominancy of the monied intereſt in parliament; nay, perhaps, the ſuperiority in numbers of the citizens and burgeſſes over the knights, may have fortunately operated to prevent the depreſſion of the trading intereſt, by the weight of landed property: for the prejudices of what were called the country gentlemen, before the

* The repreſentatives named by the department" (ſay the French conſtitution, table iii. chap. i. ſect. ii. art. vii. " ſhall not be the repreſentatives of a particular department " but of the nation entire, nor may they receive any mandate."

advantage

advantages of commerce to the value of land were so fully and so experimentally understood as they are at present, have often run high upon this point; and when we consider that the great estates are strongly represented in the house of lords, we shall be perhaps led to think that this apparent inequality, instead of being a defect, may have operated to ensure a balance essential to the progress of the nation towards its present elevation. "But," continues Thomas, "the constitution of "France says, that every man who pays a tax of "sixty sous (2s. 6d. English) is an elector." What will be placed against this? Till we admit the excellency of this principle of representation, I do not see that it is necessary to place any thing against it. If it is intended by this system, that all taxable property shall be represented, and that a vote for it shall be estimated at sixty sous; every man ought to have as many votes as he pays half-crowns into the treasury; as was in a degree instituted by the classes and centuries of Rome *.

Sir Brooke Boothby.

The French constitution attributes 295 repre-

* When the people voted by *assessment*, the first class, in which were included the patricians, senators, &c. contained 8 centuries; and the sixth or last class (by far the most numerous) consisting of the lower orders, contained only one century; and when 97 centuries out of 193 of which they consisted, had voted one way, the majority was declared; so that every thing was commonly decided by the higher orders, before the lower and more numerous classes were called upon to vote at all. This was wholly aristocratical, as deliberation by assessment must always be if the proportion is preserved.

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ſentations to the land, 249 to population, and 249 to the contribution of taxes: but how the ſeparation can be made, is not, I think, eaſy to comprehend: for when the landed and monied intereſts are repreſented, the third diviſion ſeems to merge in the other two. Another of Thomas's objections is to the *origin* of our repreſentation: but this is an objection merely hiſtorical; for we have only to oppoſe to this learned writer, other writers of equal authority, and the force of the objection muſt be taken away, or at leaſt ſuſpended. According to him, our ſyſtem of repreſentation owes its origin to William the Conqueror. Selden, Cambden, Rapin, Hume, trace it to our Anglo-Saxon anceſtors, the *Wittena Gemot*, the *magnum concilium* or *commune concilium*; and Monteſquieu ſees its origin at a ſtill greater diſtance, in the government of the ancient Germans, as deſcribed by Tacitus. But Thomas's object was merely to make it odious; and for this purpoſe he very ariſtocratically condeſcends to reproach it with the ſuppoſed obloquy of its birth. In contemplating the ſuperior beauty of the French conſtitution, he is particularly ſtruck with the accuracy of calculation ſo neatly ſummed up, that of the three diviſions of repreſentation, two are balanced to a fraction, and the third differs only in two aliquot parts out of 745. Little minds, as Monteſquieu has obſerved on this very occaſion, are apt to be captivated with little proportions of order. But to aſcertain the worth of a principle, or the value of

an exiſting inſtitution, men of practical ſenſe will not begin by analyſing their parts, or tracing their origin, but by enquiring into their effects. If they find theſe good, they will pronounce the cauſes by which they are produced, to be good alſo. They will not object to the ſalutary and delicious juices of the fruit, becauſe it repreſents no regular mathematical form, or becauſe its ſap may have been raiſed from a dunghill. Sir Brooke Boothby.

Having conſidered the objections of this writer to the *conſtitutional* repreſentation, we come to his ſecond head of objection: "That the town of "Old Sarum, which contains not three houſes, "ſends two members; and the town of Mancheſ-"ter, which contains upwards of 60,000 ſouls, is "not admitted to ſend any." But this defect, ſo far from belonging to the conſtitution, is a mere depredation made upon it by the inevitable accidents of time. The members for Old Sarum, who now repreſent uninhabited walls, were formerly ſent up by a flouriſhing town; when Mancheſter, which once ſent up members, had become ſo poor as to deſire to be relieved from the burthen. To remove the repreſentation from places which time has annihilated, to the towns which have riſen up in their places, is not to innovate, but to reſtore. But Thomas, who loves us not, and has now the ſucceſs of his prophecy ſuperadded to his former hate, would be ſorry that the edifice ſhould be repaired which he propoſes to deſtroy: he objects therefore to a legiſla-

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tive remedy, becauſe " a governmentcannot poſſeſs a right to alter itſelf;" but if it may not pull down the building, it muſt poſſeſs the right of repair againſt time and accident; and the right to preſerve is neither the right to alter nor to deſtroy.

There is one good ariſing from the moſt abuſive of theſe publications, that the more the queſtion is agitated, the more the neceſſity will appear for taking away this reproachful diſorder, with the baſe traffic, the *turpe commercium* it creates, emphatically called after a great authority the rotten part of the conſtitution. This reform may, it ought to be, nay, I think it muſt be ſpeedily obtained. It cannot be brought forward under more fortunate auſpices. It was the laſt legacy of the dying Chatham, and the virgin effort of our preſent miniſter. His honour and piety are both engaged to perſevere in it to effect. And if the ſon's face is not ſtamped with thoſe grand and prominent features which gave ſuch irreſiſtible command to the countenance of the father, his powers of influence are not leſs efficacious. After ten years, his beſt friends will adviſe him to ſecure ſome one action of eclat againſt the mutability of human affairs. Though he now ſtands like a Coloſſus, with one foot on the throne, and another on the people, the caprice of fortune may have already decreed ſome fatal reverſe. As in common life, perſons who have any property to diſpoſe of, do not wait for the warnings of mortality to make

make their laſt will, the man whoſe name is deſtined to deſcend to poſterity, will labour betimes that it ſhall not go down unaccompanied with ſome honourable addition. In the vigour of his career, he will not forget, that the day muſt come when all his glories will be compriſed in the narrow compaſs of an epitaph. *Cuſtoms* and *exciſe*, and *three per cents.* will make but a ſorry figure upon marble. HERE LIES THE MAN WHO RESTORED THE CONSTITUTIONAL REPRESENTATION! would be no inglorious inſcription. Sir Brooke Boothby.

At page 82, there is the following curious note: "When in any country we ſee extraordinary circumſtances taking place, they naturally lead "any man who has a talent for obſervation and "inveſtigation, to enquire into the cauſes. The "manufacturers of Mancheſter, Birmingham, and "Sheffield, are the principal manufacturers in "England. From whence did this ariſe? A "little obſervation will explain the caſe. The "principal, and the generality of the inhabitants "of thoſe places, are not of what is called in England *the church eſtabliſhed by law*; and they, "or their fathers (for it is within but a few years), "withdrew from the perſecution of the chartered "towns, where teſt-laws more particularly operate, "and eſtabliſhed a ſort of aſylum for themſelves in "thoſe places. It was the only aſylum that then "offered, for the reſt of Europe was worſe.—But "the caſe is now changing. France and America

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"bid all comers welcome, and initiate them into "all the rights of citizenſhip. Policy and in- "tereſt, therefore, will, but perhaps too late, dic- "tate in England what reaſon and juſtice could "not. Thoſe manufacturers are withdrawing, and "are ariſing in other places. There is now erect- "ing at Paſſey, three miles from Paris, a large "cotton-mill, and ſeveral are already erected in "America. Soon after the rejecting the bill for "repealing the teſt-law, one of the richeſt manu- "facturers in England ſaid in my hearing, "Eng- "land, Sir, is not a country for a diſſenter to live "in—we muſt go to France." Theſe are truths, "and it is doing juſtice to both parties to tell "them. It is chiefly the diſſenters who have "carried Engliſh manufactures to the height they "are now at, and the ſame men have it in their "power to carry them away; and though thoſe "manufactures will afterwards continue to be "made in thoſe places, the foreign market will be "loſt. There are frequently appearing in the "London Gazette, extracts from certain acts to "prevent machines and perſons, as far as they "can extend to perſons, from going out of the "country. It appears from theſe, that the ill "effects of the teſt laws and church eſtabliſhment "begin to be much ſuſpected; but the remedy "of force can never ſupply the remedy of reaſon. "In the progreſs of leſs than a century, all the "unrepreſented part of England, of all denomi- "nations, which is at leaſt a hundred times the

"moſt

" moſt numerous, may begin to feel the neceſſity " of a conſtitution, and then all thoſe matters will " come regularly before them." Sir Brook Boothby

But, 1. It is falſe that theſe towns either were at firſt, or ever have been colonies of diſſenters driven from the chartered towns.

2. It is not true that the generality or even majority of their inhabitants are diſſenters, as has been but too fatally ſhewn in the late tumults at Birmingham.

3. Manufacturers have nothing to do with the teſt laws any where.

4. There is as large a proportion of diſſenters at Leeds, Norwich, Nottingham, Leiceſter, Derby, &c. as in the unchartered towns, and in ſeveral of them the corporation is in the diſſenting intereſt.

5. The erection of " one cotton-mill in France," and " ſeveral in America," brought as a ſole proof that " the manufactories are *withdrawing* from England," is perfectly ludicrous.

6. What was ſaid to Mr. Paine by his rich diſſenter in a moment of diſappointment, proves nothing but the anger of the man. He has probably thought better of it ſince; and if not, we may very ſafely allow all thoſe who think " Eng- " land not a country to live in," to go where they can find a better.

7. The parliament being (as is ſhewn elſewhere) the repreſentatives of the whole nation, and not of any particular diſtricts, it is abſurd to ſay that any part of it is unrepreſented; and the towns in

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queſtion are not only generally but particularly repreſented. Mr. Paine might have been eaſily informed, for inſtance, that Sir Robert Lawley is the immediate repreſentative of Birmingham.

In the text to which this note belongs, he compares the erection of a ſingle cotton-mill in France, and one or two in America, with the inquiſition in Spain, and the revocation of the edict of Nantes in France, as an equal proof of the bad government actually exiſting in England.—So much for Thomas's candour and ingenuity, as well as "his talents for obſervation and inveſtigation."

I have already obſerved, that though I think the conſtitution of our government the beſt that has hitherto been deviſed, the beſt cannot be ſecured againſt abuſe and decay. Time has made a breach in the conſtitutional repreſentation: and on the odium of corrupt influence, I am ready to concede to Mr. Paine all that he expoſes in pointed and lively terms. But corrupt influence is not the conſtitution, but a diſeaſe growing out of a vicious infection in its component parts, which could not be removed by any change of ſtructure, ſo long as the ſame infected parts muſt neceſſarily be re-employed in the conformation. If there was no venality, there could be no corruption; and no form of government that ever did or will exiſt, can prevent men, who eſteem money more than liberty, from offering to ſale whatever ſhare of that liberty they have it in their power to diſpoſe of. When venality has once pervaded

pervaded a nation, the greater ſhare the people have immediately in the government, the more ſimple the poſſeſſion of their liberties is, the greater is the facility with which they may drive their bargain: ſo that if it be true, as I believe, that venality is the inſeparable companion of luxury, and luxury the neceſſary attendant upon riches and commerce, it will appear to be an extraordinary proof of the excellent contrivance of our conſtitution, that this rich, commercial, luxurious nation ſhould have preſerved its liberties rather increaſed than diminiſhed during ſo long a period; for whatever cauſe we may have for apprehenſion for the future, certain it is that we do now enjoy as much civil liberty as any people have ever poſſeſſed, as much perhaps as can conſiſt with the force neceſſary to preſerve ſecurity and order in a ſtate of general corruption of morals; for the power of government muſt be made proportionate to the crimes it has to puniſh or reſtrain. Our buſineſs is not therefore to innovate, but to preſerve and reſtore. Our perſons and properties are ſecure; and we have the rare felicity to live in times when, beyond any example, men may freely communicate the freeſt opinions—"rarâ temporum felicitate, ubi ſentire quæ velis, et quæ ſentias dicere licet."—Would we change with France, where, beſides the neceſſary reſtrictions of the government and the laws, all men are ſubject to the capricious command of mobs and ſelf-formed ſocieties? No man of common ſenſe, who has taken a view

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a view of the two countries, would admit the idea for a moment. And if there is leſs practical liberty in France, their liberty ſtands alſo upon leſs ſecure foundations, becauſe the people are intruſted with the immediate management of what they have never known how to conduct. If ever the popular energy by which the government in France is at preſent maintained, comes to ſubſide; if ever the French people ſhould be driven to aſſociate the ideas of their actual and increaſing miſeries with the principles and practices of their new government, they may, and moſt probably will ſell or yield up their rights and liberties to perſons taking ground upon the old conſtitution. Thoſe who admire the facility with which the French revolution was accompliſhed, ſhould recollect, that with the ſame facility a counter revolution may be effected. If it be true that "for a nation to be free, it is ſufficient that ſhe wills it," it is ſtill more true that for a nation, politically conſtituted as France is, to reſign her freedom, it is ſufficient that ſhe wills it; for it is certainly more eaſy to reſign rights, than to maintain them. In one day tyranny was overturned; and in one day may liberty, like another Aſtræa, take her flight to heaven. The conſtitution of France has provided no ſtrong holds, no outworks againſt the temporary ſeduction or bribery of the people. No uſe has been made of that great political as well as mechanical principle, *the oppoſition of contending forces*, ſo happily employed in our admirable conſtitution.

In

In England every individual may indeed ſell his vote, becauſe that is what no form of government can poſſibly prevent; and under every poſſible mode of legiſlation, unjuſt or oppreſſive laws may be made: but neither the people for themſelves, nor the branches of which the government conſiſts, can alienate any of their general rights, or the reſpective powers entruſted with each for the general good, without the formal conſent of the three in the firſt inſtance, and an ultimate appeal to the people. Each may diſſipate or miſapply their income; but none can, without the conſent of all parties, diſpoſe of any part of the eſtate: the people may proſtitute their voices at an election; parliaments may be bribed or ſeduced to ſupport fooliſh meaſures, or bad men; and the crown may apply its influence for the ſame or other bad purpoſes; but the powers of reſumption and repeal remain unimpaired to be exerciſed under better men and in better times. By the admirable mechaniſm of our conſtitution, not reſting too much upon the honeſty of the governors, or the energy of the people, it is made the permanent intereſt of every branch to maintain their reſpective powers, and to prevent each other from paſſing the bounds preſcribed to them. The rights of the people, which are held in truſt by the three branches of the legiſlature, may be ill adminiſtered, but they cannot be reſigned: the powers committed to each not only infer duties which they are morally obliged to execute, but, ſo long as it remains impoſſible

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poſſible for one of the branches of the legiſlature to elevate itſelf to any dangerous pre-eminency without abridging the powers of the other two, and ſo long as the conſent of all the three is neceſſary to any alteration in the diſpoſition of theſe powers, ſo long muſt it be the immediate intereſt of all to preſerve that balance which is the beſt ſecurity for the preſervation of the civil rights we enjoy. Thus, however the morals of the nation may have been debaſed, the conſtitution has hitherto received but little injury from a ſyſtem of corruption which has long notoriouſly prevailed. Our liberties fortunately reſt on deeper foundations than the cotemporary wiſdom or virtue of our governors, or even of the nation itſelf. The forms of our conſtitution have effected that perfection of political contrivance, to unite the duties and intereſts of the bodies of which it is compoſed in one common point: as individuals, they may be bribed or ſeduced to ſupport this man or that meaſure; but as bodies, they have neither the power nor can have the inclination to ſurrender the conſtitution.

Mr. Paine conſiders it a very great ſuperiority in the French government, that the miniſters are not admitted to a ſeat in the national aſſembly; but the excellency of this privation is, I think, by no means ſo clear. To be ſure, according to theory, the executive and legiſlative powers ſhould be ſeparately and diſtinctly adminiſtered; but I think this principle does not reach to the incapacitating the ſame individuals from acting in both; and in practice

ice it is difficult to ſuppoſe, that any wiſe n can be attained by the unpremeditated de- itions of ſuch a meeting as the national aſ- ly. I am rather inclined to think, that ſo long e meaſures of the executive government are brought forward to parliamentary diſcuſſion, dvantageous that the miniſtry ſhould belong rliament; it tends to give their meaſures ad- ial weight on one hand, and a more early immediate reſponſibility on the other. One at leaſt I am ſure of, that neither the actual act of the government in France, nor the nents of Mr. Paine will induce any rea- le man to wiſh for an eſſential change in the of adminiſtering the executive powers in nd, were ſuch a change practicable. I am ere ſpeaking of the excluſion of mere place- and penſioners; a conſtitutional reſtriction o be wiſhed for, but which would be much effected by taking away the uſeleſs places enſions themſelves.

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er attacking all laws and eſtabliſhments, and quently all morality, under the pretence of ng liberty of action, our author would deſtroy igion to ſecure liberty of conſcience. Diſ- ving the eſtabliſhment of one religion, and leration of others, he contends there ſhould be tabliſhed religion. This man, who founds oſt extravagant political doctrines on the hapter of Geneſis, and the genealogy of Jeſus

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Chriſt, pages 48, 49; declares, pages 79, 80, ſo pure deiſm. He cites, in example, "the worſhi "of a Jew or a Turk;" and ſays, "with reſpect t "religion itſelf, without regard to names, and a "directing itſelf from the univerſal family of man "kind to the divine object of all adoration, it i "man bringing to his Maker the fruits of his heart "and though theſe fruits may differ from eac "other like the fruits of the earth, the gratefu "tribute is accepted." But to conſider this ſacre ſubject merely in a political point of view, eithe there is one true religion, and all the reſt are falſe, o elſe there is no true religion at all. Now, as religio is not preſented at once to the choice of men i full powers of their underſtanding, but impreſſe upon the tender minds of youth in early education; admitting that there is a true religion, it becomes the duty of the government to provide that no other ſhall be inculcated in the public eſtabliſh-ments of education, or preached to the people in the eſtabliſhed places of public worſhip. The religion thus taught and authoriſed is the religion of the ſtate: but conſidering the extreme fallacy of human reaſon, as men may be miſtaken, even where their belief is founded on the ſtrongeſt evidence; though government will not authoriſe or ſupport, they will tolerate all the reſt, as far as is conſiſtent with the protection they owe to that which they believe alone to be true. Such has been hitherto the proceeding of the beſt and wiſeſt people

people under the former of theſe two ſuppoſitions, that there is a true religion; and this proceeding does indeed ſeem perfectly conſequent and juſt. Sir Brooke Boothby.

If, on the contrary, we are to ſuppoſe for a moment with Thomas Paine, that religion conſiſts in nothing more than "a grateful tribute of devotion "from man to his Maker," "for which God has "entered into a contract with man from the be-"ginning of time*;" and that it is as indifferent to God in what mode this tribute is paid, "as it is "to a biſhop, whether he receives his tithe in a "ſheaf of wheat, or a cock of hay†;" the caſe is entirely changed. If all religions are indifferent in the ſight of God, they are far from being indifferent in their operation upon the actions of men. When it is therefore once eſtabliſhed that they are indifferent in the ſight of God, they that inſtant become an immediate object of human conſideration. The legiſlator has a right to avail himſelf of this mighty engine for the better government of mankind, in aid of morality and the laws. The religion of the ſtate is one of the moſt forcible and efficacious inſtitutions of government. A few ſpeculative men, relying too much upon the fallacy of reaſon, may have become atheiſts or materialiſts; but to attempt to root out all religion from among the people is equally wicked and vain. The belief in a future ſtate of exiſtence, where virtue will be finally rewarded, and vice puniſhed, offers en-

* Note, p. 121. † P. 80.

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couragement and conſolation to the good, and reſtraint to the bad, far beyond the reach of human laws; and this belief having (as I am about to ſhew) its natural cauſes in the human mind, the deſtruction of a rational eſtabliſhed religion leads men back through licentiouſneſs to groſs ſuperſtition, as the deſtruction of legal government does through anarchy to deſpotiſm.

All religions, except the true religion revealed from heaven, do not, as our author ſays, "begin "by perſuaſion, and exhortation, and example," but have their origin in our ignorance of the laws of nature, and the imperfection of our organs of ſenſation. Religion, in the moſt general ſenſe, may be defined to be *a rule of action founded upon the belief of ſupernatural agency*; and this belief has been inherent in mankind in all ages of the world. Men limit the laws of nature to their own very confined experience: with the ignorant, whatever is extraordinary is ſupernatural; whatever happens out of the common courſe is attributed to the power of ſome inviſible agent, becauſe it is eaſier to ſuppoſe the operation of animal bodily force, with the powers of which we are acquainted, than chemical or other natural powers of which we have had no experience. And as among theſe extraordinary incidents ſome will be beneficial and ſome hurtful to men, they will endeavour to conciliate the favour, or deprecate the malice of theſe powers, by ſuch gifts and ſupplications as would be moſt acceptable to themſelves. This ſeems to

be

e the natural hiſtory of ſacrifice and prayer. Nor Sir Brooke Boothby.
; this all; the ſenſes are really deceived as well
s the imagination. We learn to judge of ſhape
nd magnitude, and the reſt of the accidents of
gure, by repeatedly comparing the impreſſion
ıade upon the ſight with the impreſſion made
pon the touch by the ſame object: whenever
he criterion by which our judgment upon theſe
ircumſtances has been uſed to be guided is either
bſent or imperfect, the judgment will be falſe or
nperfect alſo. If we ſuppoſe an object placed
ear to the eye to be at a diſtance, the idea of the
bject will be magnified exactly in proportion to
he miſtake: a cat may acquire the dimenſions of
n elephant, and a horſe aſſume a gigantic form.
n denſe or obſcure *media*, as the duſk of the even-
ng or a fog, things will appear in extraordinary
nd unknown forms; and miraculous *appearances*,
r *viſions*, will be added to miraculous *events*.
uch ſeems to have been the origin and founda-
ion of all the fictitious religions of the world.
low the prieſts have in all ages availed themſelves
f theſe natural propenſities of the human mind
nore or leſs to enſlave mankind, it is not here our
bject to enquire. It is ſufficient to have proved,
hat as men muſt have a religion, they ought to
ıave the beſt religion poſſible *.

When we are told that our government has its

* Men do not ſeem leſs prone to ſuperſtition in this enlightened age than formerly. *Swedenbergers*, *Animal-magnetiſers*, *Unitarians*, &c. are the produce of our own days.

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defects and imperfections, we anſwer, Certainly, for it is the work of man; and were a ſynod of angels to form a conſtitution, it would ſtill be imperfect as long as the adminiſtration of it muſt be committed to variable and very imperfect creatures. But if the Engliſh government is not perfect, its comparative excellence is clearly ſhewn by the rank the country holds among the nations, far beyond its extent or natural reſources; for this pre-eminence inconteſtably proves the exiſtence of all thoſe advantages which government is intended to promote. Commerce and arts and induſtry and riches and population are invariable ſigns of good government; and the nations where theſe flouriſh are the true and only ſchools of ſound legiſlation. If this profound doctor, who deigns to caſt a philoſophic eye over the diſtempers of our ſtate, had taught us to remove the abuſe without endangering the inſtitution, we ſhould have owed him much obligation; but he "caſts the water of the land," and neither marks the diſeaſe, nor indicates the cure: and as to his violent and experimental ſpecifics and panaceas, we will "throw "ſuch phyſic to the dogs."

Deſperate and deplorable indeed is the ſtate of thoſe countries where reformation muſt be preceded by demolition. An exchange of evils for the preſent, and a doubtful proſpect of future good, may be the only ſad alternative of the tyrannies of Europe: but our mild and equal government preſents us with the free, ſecure, and peaceful

peaceful enjoyment of actual good, and the ſafe and eaſy means of reforming in due ſeaſon and without violence all the defects and inconveniencies for which no prudent opportunity was given to the wiſe caution of our anceſtors. To theſe objects, and to a jealous and ſuſpicious watchfulneſs of the adminiſtration of government, real patriots will direct the attention and excite the vigilance of the people. All reformation really deſired and firmly demanded by the nation muſt ever aſſuredly be complied with; and it is not to be expected that reformation will be officiouſly offered by thoſe who are benefited by the continuance of the evil. The voice of the nation is the conſtitutional controul of parliament, and the conſtitutional check of the moſt daring adminiſtration. When fully and clearly pronounced, it never did, it never can fail to operate to full effect. In ſuch a ſtate of things therefore ſilence is acquieſcence, and acquieſcence is tacit approbation.

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The propoſal which our dear Thomas has reſerved for us, as his laſt beſt gift, is *to render the government inſolvent for the purpoſe of taking it into our own hands*; and he ſhews us, from the example of France, how eaſily this may be accompliſhed. "If any credit is given," he ſays, "it is to the "diſpoſition of the people to pay the tax, and "not to the government which lays it on; when "this diſpoſition expires, what is ſuppoſed to be "the credit of government, expires with it. The "inſtance of France under the former government,

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"ſhews that it is impoſſible to compel the pay-
"ment of taxes by force, when a whole nation is
"determined to ſtand upon its ground." That there is no compelling a *whole* nation is clear; becauſe the part that muſt be employed to compel the reſt is included in the whole: but it is alſo clear, that where the payment of taxes cannot be compelled contrary to the general diſpoſition of the people, there will be no taxes at all, for a diſpoſition in the people to pay taxes never can exiſt any where. If that which never exiſted can be ſaid to expire, the diſpoſition to pay taxes has expired in France, becauſe the power to compel the payment of them has expired; and not only the credit of the government, but THE CREDIT OF THE NATION has expired alſo. Ruin and bankruptcy have been, and muſt ever be the conſequence. To ruin and bankruptcy this man calmly invites us. The wretch who, with falſe ſignals, directs the veſſel on ſhore that he may plunder the wreck, has at leaſt the plea of intereſt for his wickedneſs; but to love unprofitable miſchief, to promote deſtruction for the mere pleaſure of contemplating the ſufferings of men, is a depravity for which there is no natural ſource in the human mind; a wiſh to ſee millions reduced at once to all the horrors of beggary and deſpair, that a bankruptcy in the Engliſh funds muſt occaſion, ſhould ſeem only to belong to what we are taught to believe of the devil himſelf. Let us, however, examine the facts and arguments upon which this horrible

:ible propoſal is endeavoured to be maintained. Sir Brooke Boothby.
f France," he ſays, " with a revenue of nearly
wenty-four millions ſterling, with an extent of
ch and fertile country above four times larger
ıan England, with a population of twenty-four
ıillions of inhabitants to ſupport taxation, with
pwards of ninety millions ſterling of gold and
lver circulating in the nation, and with a debt
:ſs than the preſent debt of England, ſtill found
neceſſary, from whatever cauſe, to come to a
:ttlement of its affairs, it ſolves the problem of
ınding for both countries." But how this de-
ɔtion of the revenues and reſources of France,
re the funding ſyſtem never could be eſta-
ıed, and the neceſſity that country was under,
ı *whatever cauſe*, of coming to a ſettlement of
ffairs, can be applied to ſolve the problem of
ling in England, any more than the problem
he balance of power, or any problem in Eu-
, would, I believe, puzzle an Oedipus to diſ-
:r.

y way of demonſtrating that the actual re-
ces of England are inferior to thoſe of France,
ndeavours to prove that the ſpecie in circulation
rance is, and always has been, proportionably
ter than in England; nay, that in " this reſpect
e muſt be in ſome conſiderable proportion behind
ery country in Europe;" by which unfortunate
rvation he kicks down, at one ſtroke, the ar-
ıent he had laboured through eight pages to
ıtain; for it is an undeniable fact, that Eng-
is in ſome conſiderable proportion *before* every
other

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other country in Europe, in general riches, and that conſequently the general riches of a country cannot, according to his own ſtatement, be eſtimated by its quantity of ſpecie.

The precious metals may be conſidered in two points of view, either as commodities, objects of commerce, or as the ſigns of exchange by which all other commodities are repreſented or transferred. In the firſt view, if the cheapneſs of a commodity is a proof that the market is ſufficiently ſupplied, money is cheaper in England than in any other country in Europe; that is, a larger quantity of it may be purchaſed for the ſame quantity of labour or ingenuity. Conſidered on the other hand, as the ſigns of riches, we muſt be careful not to confound them with the things ſignified; as ſigns, they are really of no value, but as the things which they repreſent exiſt alſo. A country may ſuffer extreme poverty with half the gold in Europe in its hoards, as an individual may periſh with hunger amid treaſures which he would gladly exchange for a cup of water and a morſel of bread. Commerce is circulation. Riches, like the natural aliments, muſt be circulated through the habit before they can nouriſh and viviſy the body; for the uſe of commerce, at laſt, can only be to obtain thoſe goods and conveniences which the country does not naturally poſſeſs. The wealth of a nation conſiſts in the exchange, or, according to the mercantile phraſe, the quick return of riches, and not in their dead poſſeſſion. To eſtimate the riches of an individual by the quantity of caſh in his bureau,

bureau, would be juſt as concluſive as to eſtimate the riches and reſources of England, merely by the relative quantity of its gold and ſilver coin. The gold and ſilver annually imported into Spain and Portugal, may be compared to food taken into a ſtomach that has loſt the powers of digeſtion, paſſing through without affording nutriment or ſtrength. In England, their momentum is multiplied an hundred fold by the rapidity of their motion. Sir Brooke Boothby.

The real riches of a country are its induſtry and ingenuity, its agriculture, arts, and commerce; and where theſe exiſt, the ſigns employed to transfer or repreſent their produce will never be wanting. The common ſigns of money were firſt invented as of readier transfer than the more ponderous or immoveable things which they repreſent: when commerce was farther extended, it became neceſſary to invent ſtill more portable ſigns, ſomething by which money itſelf ſhould be repreſented or transferred; and bills of exchange, and by degrees all the various modifications of paper currency and credit, have been introduced; and this ſyſtem, by which a negociation is more eaſily carried between the Antipodes, than formerly between Rome and Athens, though, like all others, liable to abuſe, is a marvellous inſtance of the advancement of human ingenuity.

In conſidering the ſubject of paper currency, it is very neceſſary to diſtinguiſh between that which is the *repreſentative* of real riches, and that which is the *ſubſtitute* for them. The firſt is a proof of

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of redundancy of wealth, and a means of its farther increaſe; the latter indicates abſolute poverty within, and precludes the entrance of foreign riches. To underſtand this, we have only to compare the actual paper currencies of France or England. In England, no perſon is obliged to receive paper in payment, and yet it is never refuſed; and it is in value and effect perfectly equivalent with the gold and ſilver currency, and often preferred, as more convenient: the obligation is not upon the people to receive it, but upon thoſe who are authoriſed to iſſue it, to exchange it inſtantly for lawful money, when required; and it is worth as much at Amſterdam or New York, and a great deal more at Bourdeaux or Nantes, than in London. In France, the paper currency, though the legal money of the nation, is thirty or forty *per centum* below the value of the coin. What Mr. Paine predicates as poſſible of the funding ſyſtem in England at ſome indefinite time, when he ſays, "*It operates to multiply paper, and to ſubſtitute it in the room of money in various ſhapes, and the more paper is multiplied, the more opportunities are offered of exporting the ſpecie; and it admits of a poſſibility, by extending it to ſmall notes, of increaſing paper till there is no money left,* is exactly deſcriptive of the preſent ſituation of France, and has been the immediate conſequence of the remedy he propoſes to us againſt the evils of the funding ſyſtem: by the very proceeding he would recommend to us, as the means of reſtoring the balance of gold and ſilver, and "realiſing paper credit for "coin,"

"coin," gold and ſilver currency have utterly diſappeared in France; a louis d'or is to be purchaſed like a watch or a ſnuff-box; that which he predicts will happen to us at ſome diſtant and indefinite time, has actually happened in the country he offers to us as an example, in one year after his prophecy. Such is the conſiſtency, and ſagacity, and foreſight of this heaven-born judge of nations. Sir Brooke Boothby.

The ſyſtem of funding in England appears to have contributed much to her extraordinary proſperity. Amongſt its principal advantages, is that of furniſhing a ſafe and ready means to put the wealth of individuals into immediate productive activity. Landed ſecurity can only be occaſionally obtained, and money lent upon it cannot be immediately called in when wanted; but a ſecurity ſafe and productive, where money may be at all times placed, and at all times recalled at a day's warning, cannot but afford an admirable facility for the circulation of riches. As to the objection to funding, as old as its inſtitution, that a ſyſtem founded on borrowing muſt ultimately fail, the experience of an hundred years has rather leſſened than increaſed the apprehenſion; after paſſing, to a great extent, all the bounds that have at different times fixed as its utmoſt poſſible latitude, it never appeared ſtronger than at the preſent moment; it may be deſtroyed by long and diſaſtrous wars, or by internal convulſions, or by a ſeries of vicious adminiſtration; but in the ordinary courſe of things, there ſeems to be no reaſon why it ſhould not continue

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tinue as long as the activity, and induſtry, and ingenuity, upon which all national riches muſt be ultimately ſupported and maintained.

Common Senſe opens with a notable diſcovery, which the author thinks it afterwards worth while to claim, with great anger, from the rhetor Raynal, (Let. p. 66, 67) That "ſociety is produced by "our *wants*, and government by our *wickedneſs*." But this is no more than to confound the general idea of government with the partial idea of criminal law. Criminal laws may be ſaid to be neceſſitated by our wickedneſs, but the primary object of government is to *regulate*, and to *puniſh* only ſecondary and incidental. In the moſt virtuous ſociety, men may and will very honeſtly and conſcientiouſly diſagree upon the adminiſtration of the affairs of the community. It therefore becomes immediately neceſſary to eſtabliſh ſome common determined regulation, to refer to in doubtful points. This collective ſenſe of the community upon each of theſe points, is the ſimple origin of *law*, and the aggregate ſenſe of theſe regulations taken together, gives the firſt general idea of a *government*.

As far as probability may be allowed to explore the dark receſſes of time, this ſhould ſeem to have been the progreſs of civil ſociety. *Men*, in their animal and inſulated ſtate, would be at firſt *hunters*, and would preſently form themſelves into bands for the greater power and convenience in attacking their prey; and as theſe bands, when they

met, would be liable to diſpute their prizes with one another, they would elect the moſt active and ingenious among them to direct the chaſe, or command the battle: here we may trace the origin of *monarchy* as well as of war; and to this ſimple ſtate of ſociety this ſimple government ſeems beſt adapted. Though the command was abſolute, the ſubmiſſion was voluntary; and, being conferred for effective purpoſes, requiring effective powers and abilities, would only be temporary and occaſional. Sir Brooke Boothby.

Men would next learn to tame and breed the granivorous race of animals, and *paſturage* is the ſecond ſtep in civilization. The feeding of cattle requires no very active powers, either of body or mind; and theſe paſtors would be content to refer their diſputes and contentions to the wiſer and more experienced of their elders; and here we may perceive the beginning of *ariſtocratical* government.

In proceſs of time, theſe peaceable paſtors would be attacked by ſome of the hardy and warlike tribes of hunters, to whom they would fall an eaſy conqueſt: here a great variety of new civil relations commences. Theſe conquerors, ferocious from education, would treat the conquered people as their ſervants and dependants, and force them to cultivate the earth, much as we now force the negroes to raiſe our ſugars and cotton and rice; and this is the probable origin of *agriculture*, which is the third ſtate of civilization; and to this ſtate we

Sir Brooke Boothby.

we may refer the beginning of that inexhauſtible ſource of civil relations, excluſive property. Here men become ſtationary, and, inſtead of wandering in ſearch of the animals of the chaſe, or of freſh paſtures for their cattle, built cities, and began to exerciſe the arts. As ſoon as ſeveral of theſe ſtationary ſocieties or nations came to be formed, they would be deſirous of exchanging with each other their different natural productions, or the produce of the arts in which they had learned to excel, and *commerce* would take place. Stimulated by new paſſions, improved by the acquiſition of new ideas, the mind of man would finally attain to its utmoſt degree of perfection; the abſtract ſciences and fine arts would be invented and cultivated, and the ſecrets of nature laid open to his view. Here man becomes a new being of his own creation, differing infinitely more from his animal ſtate, than any other animals do from each other. His ideas, his paſſions, his wants are increaſed in an infinite ratio; and to attempt to govern him by the ſimple relations of his original nature, is juſt as reaſonable as to propoſe to reduce him to feed upon acorns, or live in hollow trees.

This ſeems to be the moſt probable hiſtory of the riſe and progreſs of human ſociety, if it were of any uſe to go back into doubtful and obſcure origin to eſtabliſh practical rights.

Syſtems founded upon arguments *à priori* are not for the uſe of man. Our finite and erring reaſon cannot proceed downwards from general cauſes and

univerſal archetypes, to complete effects and perfect inſtitutions. We muſt be content to take humble fact for our guide, and to riſe by ſlow and laborious experiment from ignorance to partial knowledge. Syſtems will be as imaginary and unſtable in politics as in philoſophy, and of much more danger. The former ſhine for a moment and diſappear, like the harmleſs corruſcations of ſummer meteors; but the latter are replete with electric and combuſtible matter, of power to mark their courſe with deep and laſting traces of deſtruction. To view at once, and before hand, all the poſſible conſequences reſulting from general principles, belongs alone to omniſcience; and to combine them in effectual action, to omnipotence. Every thing in the moral world ſeems to grow out of relative circumſtances; nay, it ſhould ſeem, that God has ordained nature herſelf to proceed in the ſame courſe. Modes of exiſtence ſeem gradually to produce themſelves by the energy of their neceſſities, in the ſame manner that anatomiſts have obſerved new veſſels to be formed in diſeaſed bodies, by the new or increaſed action of the parts. Sir Brooke Boothby.

The grand advantage of ſociety over the uncivilized or animal ſtate, is the vaſt increaſe that it gives to the numbers, and faculties, and powers of mankind, and conſequently to the general ſum of human happineſs. This is the end and object of *ſociety*. The object of *government* is to ſecure to every individual the peaceful enjoyment of whatever ſhare of theſe he has been able to obtain.

Sir Brooke Boothby.

Government, in the firſt inſtance, guarantees to every man the ſecurity of his perſon and property; but if government is bound to protect liberty and property, it is conſequently bound to protect the advantages ariſing from them, or it does nothing at all. Every man who has a large property is in ſome ſort the natural repreſentative, the native protector of thoſe perſons to whom his eſtate furniſhes the means of ſupport; he may be ſaid to be the proxy of them all: he therefore comes to election, or deliberation, with a greater weight than a man who anſwers for nobody but himſelf; and this great and natural advantage, reſulting from property, is to be protected by the laws, not to be taken away by the laws; from whence it reſults, unleſs I am much miſtaken, that a ſyſtem forcing extreme equality is a ſyſtem of extreme injuſtice.

Nor, under the common eſtabliſhed diſpenſation, have thoſe members of ſociety who are the leaſt benefited by it any reaſon to complain, ſo long as their ſtate is better than it would have been without ſociety. To eſtimate his relative ſituation, a pauper is to compare himſelf with a monkey or a bear, as well as with a duke or a nabob; and his inferiority, in civil ſociety, to the latter is infinitely ſmall, when compared to his advantages over animal nature: he is, on the whole, an immenſe gainer by ſociety. Theſe principles appear to me perfectly clear and diſtinct; and whatever Mr. Paine may ſay, I cannot think them leſs likely to be true, becauſe they have received the univerſal

conſent

consent of mankind, as far as we know, in all ages of the world. Sir Brooke Boothby.

The first law of civil society is subordination. Supposing it possible that men should have entered into society in a state of equality, or that, by some violent effort, equality could for a moment be forcibly established, superior industry, or ingenuity, or good fortune, would immediately place one man in a superior situation to another. To oblige men to do their duty in their different stations of life, to render them content with what is unavoidable, and to make this necessary inequality the most productive of good, and the least possibly burthensome and oppressive, has hitherto been the object of morals, and religion, and the laws. Our modern doctors have however determined otherwise—*Dis aliter visum.* As there is no absurdity in physics or ethics, which philosophers are not destined at one time or other to maintain, the equal rights of man, amid the numberless inequalities incident to our infinitely complicated societies, was reserved for the French sect of *encyclopedians*. I confess myself no admirer of the French philosophers; they affect a dogmatical manner, the reverse of true philosophy; a sort of *pansophy*, or universality of command over the opinions of men, which can only be supported by the arts of deception. Their object has been much more to captivate, than to enlighten mankind; not to make them wiser or better, but to gain an ascendancy over their minds, by flattering their passions and their vices. They

Sir Brooke Boothby.

have their plots and intrigues, their *eſprit du corps* and their *crie de guerre*; and have been the inventors of all thoſe pantomimical tricks, fitter for a puppet-ſhow than a grave legiſlative aſſembly. If the French revolution had been conducted by practical men, of ſound underſtandings, the *Somers's* and *Hale's* of our revolution in 1688, France would probably have been at this time in the full enjoyment of all the benefits of a ſtrong and free government. Theſe men would have diſdained to make the people the dupe of ſuch an arrant bubble as the "equal rights of man;" but the almanack-makers and pamphleteers had no chance for any ſhare in the government, except by exciting and keeping up ſome extraordinary effervescence amongſt the lower orders of the people. In a little better language, and with ſomewhat, though not much more decency of manner, they preach the very ſame doctrines by which the mob has in all ages and countries been excited to ſedition. They firſt endeavour, by a ſort of neology of their own, to confound all ideas of right and wrong; and then, by way of ſecuring the continuance of their influence, to eſtabliſh the conſtitution itſelf upon theſe very principles of ſedition which have hitherto been excluſively applied to the ſubverſion of all government. How unfit theſe *literati* were to give laws to the great community, might indeed have been foreſeen from their management of their own little province. The republic of letters has ever been opprobrious for its bad government;

its feuds and animoſities; its treacherous wars and tyrannical excluſions. The *odium theologicum* is not more proverbial than the irritable anger of the people, of poets, and philoſophers*. National happineſs will be no more found in a government maintained by inſpiring the people with a ferocious hatred of their ſuperiors than under a tyranny; nay, it ſhould ſeem from the example of France, that, of the two, this ſtate is more favourable to it than the former. Under all the diſadvantages of a bad government, oppreſſed and impoveriſhed by the court, and the nobility, and the church, the French were celebrated for ſuavity of manners, and a happy gaiety of diſpoſition, which has often humbled the conſcious pride of a free-born Briton.

Sir Brooke Boothby.

* What opinion theſe gentry entertain of each other may be learned by the following extracts from one of the moſt learned and acute of them all. "Philoſophers themſelves foment the "prejudices which are uſeful to them with as much ardour as "they endeavour to overturn thoſe which are hurtful to them."—"They play off their efforts to obtain general fame rather than "the ſuffrages of the enlightened part of mankind; and they hate "each other with a rancour which they have not even the pru-"dence to conceal; and yet theſe feeble beings call themſelves "philoſophers; as if philoſophy, before ſhe undertakes to regu-"late, after her own faſhion, well or ill, the ſyſtem of the world, "ought not to begin by ourſelves, and teach us the real value of "things."—"When I conſider with attention the empire of "literature, methinks I ſee a market-place, where a multitude "of empirics, mounted upon their ſtages, call out to the paſ-"ſengers, and impoſe upon the people, who begin by laughing "at them, and finiſh by becoming their dupes."

Eſſai ſur les Gens de Lettres, par M. d'Alembert.

Sir Brooke Boothby.

If theſe have of late totally diſappeared from amongſt them, it is not owing to the increaſe of liberty, for that would have added to their cheerfulneſs and content; but becauſe they have been ſeduced to ſubſtitute for the language and feelings of nature, I know not what ſemi-philoſophical jargon, good for nothing but to harden the heart, and ſophiſticate common ſenſe. This tendency was obſerved thirty years ago, by the encyclopedian I quoted above. This anatomy of the ſoul (he complains) "has intruded itſelf into our common "converſation. We do not talk, we differ; and "our ſocieties have loſt that gaiety and warmth "that was their greateſt charm*." Whether, under the preſent order of things, the maſter of a family retires from his political club or debating ſociety to his evening repoſe with as light a heart as he was wont to return from mixing in the dance on the green, led on by his ſprightly progeny, is, I fear, more than doubtful. Thoſe who would make the happineſs of mankind depend on theories and computation, will find themſelves miſerably out in their reckoning. Human imagination, upon which all our happineſs muſt ultimately depend, is ſtrangely capricious; it laughs at reaſon, and deſpiſes calculation. The pleaſure that once brightened the countenance, and expanded the heart of a Frenchman, at the ſight of the magnificence of Verſailles, was perhaps a more delicious ſenſation

* Préface de l'Encyclopédie.

than

than the patriot now feels in contemplating its deſerted walls, as a monument of the reſtoration of liberty. In the former, the ruinous expence of the conſtruction was forgotten amid the ſplendid ſcene; and when he exultingly aſked, *Is your St. James's as fine as this?* he felt not only an intereſt but a property in all he admired. In the contemplation of its deſpoiled and deſolated grandeur, its ſilent halls and ſolitary ſtate-rooms, its dried up fountains and mouldering ſculptures, the joys of freedom will be ſuſpended or abſorbed in ſad reflections on the vanity of human greatneſs, and the inſtability of human inſtitutions. Such are the aſſociated trains of our ideas, that we cannot contemplate what *is*, without reflecting upon what *is not*. The ſilence will be diſturbed by ſounds of triumph that are no longer heard, and the ſolitude peopled with the brilliant forms that ſhall no more glide over its poliſhed floors. From a ſcene that uſed to exhilarate the natural gaiety of a party for the beſt of the day, all but the philoſopher will retire to melancholy meditation on the fleeting vanities of the world, and the empty projects of man. Sir Brooke Boothby.

The hiſtory of political and religious diſputes is the hiſtory of hypocrites and enthuſiaſts, of knaves and dupes. The artful and cunning govern the world, by exciting and directing the paſſions of the ſimple to their own views and purpoſes. Under the influence of paſſion, men are made to believe what they do not underſtand, and to act what they cannot approve. When the mind is once worked

Sir Brooke Boothby.

up to enthuſiaſm, there is no abſurdity which will not be implicitly received by the dupes, provided it tends to ſupport the pre-conceived object of their paſſion. The long age of religious fanaticiſm appears to decline apace. A general ſuffuſion of a ſort of knowledge, and the increaſing intercourſe of mankind, will probably proceed finally to deſtroy the empire of that groſs ignorance, which is ſaid to be the mother of ſuperſtition; and the redundant activity of enthuſiaſtic minds muſt overflow through ſome new vent, and in ſome new direction. The knaves and hypocrites ſeem to turn their eyes towards ſyſtems of civil government to ſupply the place of ſyſtems of religion, and the object appears but too well adapted to the purpoſe. The paſſions may be heated to any point of zeal by political as well as by religious opinions; the former may have its perſecutions, and martyrs, and ſaints, and apoſtles, as well as the former. The "original equality of "man" ſeems quite as well calculated to arm man againſt man, as the "immaculate conception of the "bleſſed Virgin;" and the real preſence of "the "abſtract impreſcriptible rights of man" in our complicated ſocieties, as the real preſence of the body and blood of Chriſt, under the elements of bread and wine in the euchariſt. During the reign of ſuperſtition, reaſon was enſlaved and bound. Under the reign of political fanaticiſm, ſhe will be made the pander of folly, and dreſs her out in her own garb and ſemblance; and this external appearance will be all that is neceſſary for the degree

of

f improvement in the general knowledge of the world, which, though it may be ſufficient to diſpel he thick and palpable darkneſs of ſuperſtition, will by no means furniſh any teſt to diſtinguiſh truth from error in difficult and intricate ſubjects. This enlightened age is not leſs liable to be deceived than ts dark predeceſſor, but it muſt be deceived in another way. To the prieſts have ſucceeded the philoſophers. Sir Brooke Boothby.

If to theſe the reign of good ſenſe is ever deſtined to follow, it muſt be when men, content to be ignorant of what they cannot know, will believe nothing that they do not clearly underſtand; when there are neither knaves, nor dupes, nor hypocrites, nor enthuſiaſts.

In very complicated ſubjects, like this of politics, the difficulty of diſtinguiſhing truth ~~from error is~~ in proportion to the combinations of which they admit; for truth is a ſingle point from which error may deviate in the exact ratio of theſe poſſible combinations: to hazard, therefore, our practical happineſs upon mere untried abſtract theories, muſt be ever imprudent and unwiſe. Bayle, the moſt acute and impartial of all dialecticians, makes the following notable remark upon the ſcience of which he was ſo great a maſter. "Philoſophy," ſays he, "may be compared to thoſe cauſtics which "are employed in the treatment of wounds to con- "ſume the fungous excreſcences that prevent the "granulation of new fleſh, but which, if allowed "to go too far, corrode the ſound parts, and eat "through

Sir Brooke Boothby.

" through the bone to the very marrow. So phi-
" loſophy begins by refuting error; but, if it is not
" ſtopped there, proceeds to attack truth itſelf,
" and goes on till it loſes all direction, and finds
" at laſt nothing whereon to reſt."

My buſineſs is with the work, and not with the author, or elſe I would aſk, why is this man an emigrant from America, where liberty has eſtabliſhed her ſtand, to mix in the troubles of France, or concern himſelf in the government of England? Is it a *diſturbed* rather than a free country, that is his natural element? Are " thoſe fine feelings," which nature has not been " kind enough to blunt," more agreeably excited by the contemplation of foreign tumult than domeſtic tranquillity? Are his deſerts leaſt acknowledged, and his perſon leaſt conſidered, where he is beſt known? Can his talents be employed to no good purpoſe at his adopted home, that he is driven to make an officious tender of them to a nation he affects to hate and deſpiſe? Of the private hiſtory of Mr. Paine I neither know any thing, or wiſh to enquire. But theſe queſtions ariſe out of the nature and tendency of his work. " Put no truſt," ſays Rouſſeau, " in
" thoſe coſmopolites, who in their writings ſeek
" for duties at a diſtance, while they neglect to
" perform thoſe which are their immediate con-
" cern. A philoſopher of this kind loves the Tar-
" tars, by way of excuſe, for hating his neigh-
" bours."

If I were to recogniſe " Rights of Man" in a few

a few words, I ſhould ſay, that it is the work of a ſhrewd empiric, written in a kind of ſpecious jargon, well enough calculated to impoſe upon the vulgar, but containing nothing new or ingenious, or deſerving of ſerious attention. The great ſecret of quackery is to addreſs the paſſions of men, while they are made to believe, that their underſtandings only are engaged; to work upon their hopes and fears, under the maſk of reaſon. Religion, and politics, and medicine, are abundant and never-failing ſources of empirical frauds. The fear of death, for example, renders nine tenths of mankind a conſtant prey to the moſt impudent and ignorant pretenders to medicine; to-day it is an elixir, which will preſerve men from death, as long as it can keep them alive; to-morrow it is a noſtrum, which enters into a conflict with the diſeaſe, hand to hand, and expels him by main force out of ſome door or window of the body; and the worſt of it is, that this gabble is more germain to the comprehenſion of the generality of people than real knowledge; for one that can read John Hunter, hundreds will be ſeduced with the popular nonſenſe of ignorant pretenders. When a mountebank comes to the door of a ſenſible and diſcreet houſekeeper, he will ſay to him, Friend, go about your buſineſs, unleſs you have a mind to be taken up as a vagrant, and whipped and paſſed to your pariſh. I and my family are, thank God, in good health; and when any of us are ill, we will uſe ſuch known and tried remedies as the phyſician ſhall preſcribe.

Sir Brooke Boothby.

Sir Brooke Boothby.

In the mean time, take away your impudent l
bills and advertiſements, deſigned to impoſe u
our ſimplicity, in an art of which we are wholl
norant, that you may pick our pockets. You
not fill our heads with vain fears and idle ap
henſions, that you may vend your poiſonous dr
which, if we were fools enough to take, might
caſion real maladies,

Mr. MACKINTOSH.

Vindiciæ Gallicæ.

THERE is perhaps only *one* opinion about the French revolution in which its friends and enemies agree. They both conceive that its influence will not be confined to France; they both predict that it will produce important changes in the general ſtate of Europe. This is the theme of the exultation of its admirers, this is the ſource of the alarms of its detractors. It were indeed difficult to ſuppoſe that a revolution ſo unparalleled ſhould take place in the moſt renowned of the European nations, without ſpreading its influence throughout the chriſtian commonwealth; connected as it is by the multiplied relations of politics, by the common intereſt of commerce, by the wide intercourſe of curioſity and of literature, by ſimilar arts and by congenial manners. The channels by which the prevailing ſentiments of France may enter into the other nations of Europe, are ſo obvious and ſo numerous, that it were unneceſſary and tedious to detail them; but I may remark as among the moſt conſpicuous, a central ſituation, predominating language, an authority almoſt *legiſlative* in the ceremonial of the private intercourſe of life. Theſe and many other cauſes muſt facilitate the diffuſion of French politics among the neighbouring nations; but it will be juſtly remarked, that their effect muſt in a great meaſure depend on the *ſtability* of the REVOLUTION. The ſuppreſſion

Black-ash. ſuppreſſion of *an honourable revolt* would ſtrengthen all the governments of Europe; the view of a ſplendid *revolution* would be the ſignal of inſurrection to their ſubjects. Any reaſonings on the influence of the French revolution may therefore be ſuppoſed to be premature until its permanence be aſcertained. Of that permanence my conviction is firm; but I am ſenſible that in the field of political prediction, where veteran ſagacity has ſo often been deceived, it becomes me to harbour with diſtruſt, and to propoſe with diffidence, a conviction influenced by partial enthuſiaſm, and perhaps produced by the inexperienced ardour of youth. The moment at which I write is peculiarly critical (Auguſt 25th, 1791). The invaſion of FRANCE is now ſpoken of as immediate by the exiles and their partiſans; and the confederacy of deſpots is announced with new confidence; but notwithſtanding theſe threats, I retain my doubts whether the jarring intereſts of the European courts will permit this alliance to have much energy or cordiality; and whether the cautious prudence of deſpots will ſend their military ſlaves to a ſchool of freedom in France: but if there be doubts about the likelihood of the enterpriſe being undertaken, there can be few about the probability of its event. Hiſtory celebrates many conqueſts of obſcure tribes whoſe valour was animated by enthuſiaſm, but ſhe records no example where foreign force has ſubjugated a powerful and gallant people, governed by the moſt imperious paſſion that can

ſway

ſway the human breaſt. Whatever wonders fanaticiſm has performed, may be again effected by a paſſion as ardent, though not ſo tranſitory, becauſe it is ſanctioned by virtue and reaſon. To animate patriotiſm, to ſilence tumult, to baniſh diviſion, would be the only effects of an invaſion in the preſent ſtate of France. A people abandoned to its own inconſtancy, have often courted the yoke which they had thrown off; but to oppoſe foreign hoſtility to the enthuſiaſm of a *nation*, can only have the effect of adding to it ardour, and conſtancy, and force. Theſe and ſimilar views muſt offer themſelves to the European cabinets; but perhaps they perceive themſelves to be placed in ſo peculiar a ſituation, that exertion and inactivity are equally perilous. If they fail in the attempt to cruſh the infant liberty of France, the ineffectual effort *will recoil* on their own governments, and haſten their deſtruction. If they tamely ſuffer a ſchool * of freedom to be founded in the *centre* Mr. Mackintoſh.

* The moſt important materials for the philoſophy of hiſtory are collected from remarks on the *coincidence* of the ſituations and ſentiments of diſtant periods; and it may be curious as well as inſtructive, to preſent to the reader the topics by which the CALONNES of CHARLES I. were inſtructed, to awaken the jealouſy and ſolicit the aid of the European courts. "A dangerous combination of his majeſty's ſubjects have laid a deſign "to diſſolve the monarchy and frame of government—becoming "a dangerous *precedent* to all the MONARCHIES of Chriſtendom, "if attended with ſucceſs in their deſign."

King Charles I.'s Inſtructions to his Miniſter in Denmark, in Ludlow's Memoirs, vol. iii. p. 257.

of

Mr. Mackintosh.

of Europe, they muſt foreſee the hoſts of diſciples that are to iſſue from it for the ſubverſion of their deſpotiſm.

They cannot be blind to a ſpecies of danger which the hiſtory of Europe reveals to them in legible characters. They ſee, indeed, that the negociations, the wars, and the revolutions of vulgar policy paſs away without leaving behind them any veſtige of their tranſitory and ignominious operation. But they muſt remark, that beſides this *monotonous villany*, there are caſes in which Europe, actuated by a *common* paſſion, has appeared as *one* nation. When a ſociety of nations are ſo cloſely united as to reſemble the union of the provinces of a ſtate, the propagation of ſentiment is indeed inevitable, and the European annals already afford ſufficient evidence of its effect. The religious paſſion animated and guided the ſpirit of chivalry —Hence aroſe the *cruſades*. "A nerve was touched "of exquiſite feeling, and the ſenſation vibrated "to the heart of Europe*." In the ſame manner the reformation gave riſe to religious wars, the duration of which exceeded a century and a half. Both examples prove the exiſtence of that *ſympathy*, by the means of which a great paſſion, taking its riſe in any conſiderable ſtate of Europe, muſt circulate through the whole chriſtian commonwealth. Illuſion is, however, tranſient, and truth is immortal. The epidemical fanaticiſm of former

* Gibbon.

times

times was ſhort-lived, for it could only flouriſh in the eclipſe of reaſon. But the virtuous enthuſiaſm of liberty, though it be like that fanaticiſm contagious, it is not like it tranſitory. Mr. Mackintoſh.

But beſides the facility with which we have ſeen a common paſſion to be diffuſed in Europe, there are other circumſtances which entitle us to expect that the example of France will have a mighty influence on the ſubjects of deſpotic governments. *The Gothic governments of Europe have lived their time.* Man, and for ever! is the ſage exclamation of Mr. HUME. Limits are no leſs rigorouſly preſcribed by nature to the age of governments than to that of individuals. Whether it be owing to our fickleneſs or our wiſdom, to the inflexibility or the imperfection of our inſtitutions, or to the combined operation of theſe various cauſes, certain it is, that the wide ſurvey of hiſtory diſcovers with as much clearneſs, the growth, the decay, and the diſſolution of governments, as the narrow view of perſonal experience can remark the progreſs and the death of individual man. The heroic governments of Greece yielded to a body of legiſlative republics. They were in their turn ſwallowed up by the conqueſts of Rome. That great empire itſelf, under the ſame forms, paſſed through various modes of government. The firſt uſurpers concealed it under a republican diſguiſe; their ſucceſſors threw off the maſk, and avowed a military deſpotiſm. The empire expired in the oſtentatious feebleneſs of an Aſiatic monarchy. It was over-

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thrown by ſavages, whoſe rude inſtitutions and barbarous manners have, until our days, influenced Europe with a permanence refuſed to wiſer and milder laws. But, unleſs hiſtorical analogy be altogether deluſive, the *deceaſe* of the *Gothic* governments cannot be diſtant. Their maturity is long paſt, and ſymptoms of their decrepitude are rapidly accumulating. Whether they are to be ſucceeded by more beneficial or more injurious governments, may be doubted; but that they are about to periſh, we are authoriſed to ſuppoſe, from the uſual age to which the governments recorded in hiſtory have arrived.

There are alſo other preſumptions furniſhed by hiſtorical analogy, which favour the ſuppoſition that *legiſlative governments* are about to ſucceed the rude uſurpations of Gothic Europe. The commonwealths which in the ſixth and ſeventh centuries before the chriſtian æra were erected on the ruins of the *heroic* monarchies of Greece, are perhaps the only genuine example of governments truly *legiſlative* recorded in hiſtory. A cloſe inſpection will, perhaps, diſcover ſome coincidence between the circumſtances which formed theſe governments and thoſe which now influence the ſtate of Europe. The Phœnician and Egyptian colonies were not like our colonies in America, numerous enough to ſubdue or extirpate the native ſavages of Greece. They were, however, ſufficiently numerous to inſtruct and civiliſe them. From that alone could their power be derived.

To

To that therefore were their efforts directed. Imparting the arts and the knowledge of poliſhed nations to rude tribes, they attracted, by avowed ſuperiority of knowledge, a ſubmiſſion neceſſary to the effect of their legiſlation; a ſubmiſſion which impoſtors acquire from ſuperſtition, and conquerors derive from force. An age of legiſlation ſuppoſes a great inequality of knowledge between the legiſlators and thoſe who receive their inſtitutions. The Aſiatic coloniſts, who firſt ſcattered the ſeeds of refinement, poſſeſſed this ſuperiority over the *Pelaſgic hordes*; and the legiſlators who in ſubſequent periods organized the Grecian commonwealths, acquired from their travels in the poliſhed ſtates of the Eaſt, that reputation of ſuperior knowledge which enabled them to dictate laws to their fellow-citizens. Let us then compare Egypt and Phœnicia with the enlightened part of Europe, ſeparated as widely from the general maſs by the *moral* difference of inſtruction, as theſe countries are from Greece by the *phyſical* obſtacles which impeded a rude navigation. We muſt diſcern, that when philoſophers become legiſlators, they are coloniſts from an enlightened country reforming the inſtitutions of rude tribes. The preſent moment indeed reſembles with wonderful exactneſs the legiſlative age of Greece. The multitude have attained ſufficient knowledge to value the ſuperiority of enlightened men, and they retain a ſufficient conſciouſneſs of ignorance to preclude rebellion againſt their dictates. This is the pre-

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ciſe ſtate in which the human mind is equally by diſcernment and deference prepared for legiſlation. This is the preſent condition of Europe. Philoſophers have long remained a diſtinct nation in the midſt of an unenlightened multitude. It is only now that the conqueſts of the preſs are enlarging the dominion of reaſon, as the veſſels of *Cadmus* and *Cecrops* ſpread the arts and the wiſdom of the Eaſt among the Pelaſgic barbarians.

Theſe general cauſes, the *unity* of the European commonwealth, the *decrepitude* on which its *fortuitous* governments are verging, and the ſimilarity between our age and the only recorded period when the aſcendant of philoſophy dictated laws, entitle us to hope that freedom and reaſon will be rapidly propagated from their ſource in France. But there are not wanting ſymptoms of their probable progreſs, which juſtify the ſpeculation. The firſt ſymptoms which indicate the approach of a contagious diſeaſe, are the precautions adopted againſt it. The firſt marks of the probable progreſs of French principles, are the alarms betrayed by deſpots. The *courts* of Europe ſeem to look on France, and to exclaim in their deſpair—

> *Hinc* POPULUM late REGEM belloque ſuperbum
> Venturum excidio Libyæ———

The courts of Europe have in various modes paid the homage of their fears to the French revolution. The king of Spain already ſeems to tremble for his throne, though it be erected on ſo firm

firm a baſis of general ignorance and triumphant prieſtcraft. By the expulſion of foreigners, and by ſubjecting the entrance of travellers to ſuch multiplied reſtraints, he ſeeks the preſervation of his deſpotiſm in a vain attempt to convert his kingdom into a *Baſtille*, and to baniſh his ſubjects from the European commonwealth. The Chineſe government has indeed thus maintained its permanency; but it is inſulated by *nature* more effectually than by *policy*. Let the court of Madrid recall her ambaſſadors, ſhut up her ports, abandon her commerce, ſever every tie that unites her to Europe; the effect of ſuch ſhallow policy muſt be that of all ineffectual rigours (and all rigours ſhort of extirpation are here ineffectual), to awaken reflection, to ſtimulate enquiry, to aggravate diſcontent, and to provoke convulſion.—*There are no longer Pyrennees*, ſaid Louis XIV. on the acceſſion of his grandſon to the Spaniſh throne—*There are no longer Pyrennees*, exclaim the alarmed ſtateſmen of *Aranjuez*, to protect our deſpotiſm from being conſumed by the ſun of liberty. Mr. Mackintoſh.

The alarms of the pope, for the little remnant of his authority, naturally increaſe with the probability of the diffuſion of French principles. Even the mild and temperate ariſtocracies of Switzerland ſeem to apprehend the arrival of that period when men will not be content to owe the benefits of government to the fortuitous character of their governors, but to the intrinſic excellence of its conſtitution. Even the unſucceſsful ſtruggle of

Mr. Mackintosh. *Liege*, and the *theocratic* insurrection of *Brabant*, have left behind them traces of a patriotic party, whom a more favourable moment may call into more successful action. The despotic court of the Hague are betraying alarms that the Dutch republic may yet revive. The *Stadtholderian* government, supported only by the terror of foreign arms, naturally dreads the destruction of a government odious and intolerable to an immense majority of the people.

Every where then are those alarms discernible, which are the most evident symptoms of the approaching downfall of the European despotisms. But the impression produced by the French revolution in England, in an enlightened country, which had long boasted of its freedom, merits more particular remark. Before the publication of Mr. Burke, the public were not recovered from that astonishment into which they are plunged by unexampled events, and the general opinion could not have been collected with precision. But that performance divided the nation into marked parties. It produced a controversy, which may be regarded as the trial of the French revolution before the enlightened and independent tribunal of the English public.—What its decision has been, I shall not presume to decide; for it does not become an advocate to announce the decision of the judge. But this I may be permitted to remark, that the conduct of our enemies has not resembled the usual triumph of those who have been victorious in the

war

war of reaſon. Inſtead of the triumphant calmneſs that is ever inſpired by conſcious ſuperiority, they have betrayed the bitterneſs of defeat, and the ferocity of reſentment, which is peculiar to the black revenge of detected impoſture. Prieſtcraft and toryiſm were ſupported only by literary advocates of the moſt miſerable deſcription. But they were abundantly ſupported by auxiliaries of another kind. Of the two great claſſes of enemies to political reform—the INTERESTED and the PREJUDICED—the activity of the firſt uſually ſupplies what may be wanting in the talents of the laſt. Judges forgot the dignity of their function, prieſts the mildneſs of their religion; the bench, which ſhould have ſpoken with the ſerene temper of juſtice; the pulpit, whence only ſhould have iſſued the healing ſounds of charity, were proſtituted to party purpoſes, and polluted with invective againſt freedom. The churches reſounded with language at which *Laud* would have ſhuddered, and *Sacheverel* would have bluſhed; the moſt profane compariſons between the duty to the divinity and to kings, were unbluſhingly pronounced; flattery to miniſters was mixed with the ſolemnities of religion, by the ſervants, and in the temple of God. Theſe profligate proceedings were not limited to a ſingle ſpot. They were general over England. In many churches the French revolution was *expreſsly named!* In a majority it was the conſtant theme of invective for many weeks before its intended celebration. Yet theſe are the peaceful

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Nor was this ſufficient. The groſſneſs of the popular mind, on which political invective made but a faint impreſſion, was to be rouſed into action by religious fanaticiſm, the moſt intractable and domineering of all deſtructive paſſions. A clamour, which had for half a century lain dormant, was revived: *The* CHURCH *was in danger!* The ſpirit of perſecution againſt an unpopular ſect was artfully excited; and the friends of freedom, whom it might be odious and dangerous profeſſedly to attack, were to be overwhelmed as diſſenters. That the majority of the advocates for the French revolution were not ſo, was, indeed, ſufficiently known to their enemies. They were well known to be philoſophers and friends of humanity, who were ſuperior to the creed of any ſect, and indifferent to the *dogmas* of any popular faith. But it ſuited the purpoſe of their profligate adverſaries to confound them with diſſenters, and to animate againſt them the fury of prejudices which they themſelves deſpiſed.

The diffuſion of theſe invectives produced thoſe obvious and inevitable effects which it may require ſomething more than candour to ſuppoſe not foreſeen and deſired. A *banditti*, who had been previouſly ſtimulated, as they have ſince been excuſed and panegyrized by incendiary libelliſts, wreaked their vengeance on a PHILOSOPHER, illuſtrious by his talents and his writings, venerable for the ſpotleſs purity

f his life, and amiable for the unoffending Mr. Mackintosh.
y of his manners. The exceſſes of this
churchmen and loyaliſts are to be poorly ex-
by the few miſguided victims who are ſa-
to the vengeance of the law.

ire, however, only concerned in theſe facts,
are *evidence* from our enemies of the pro-
progreſs of freedom. The probability of
ogreſs they all conſpire to prove. The
if the pope, and the pamphlets of Mr.
, the edicts of the Spaniſh court, and the
es of the Spaniſh inquiſition, the Birming-
ters, and the Oxford graduates, equally
to Liberty the involuntary homage of their

Mr. G. ROUS.

Letter to the Right Hon. Edmund Burke.

DISABILITIES and proſcriptions of particular bodies of men, as theſe never can be the puniſhment of a crime, muſt ever be unjuſt to the individual; muſt provoke his hatred of the power that inflicts the injury; muſt in the prevailing party nouriſh a ſpirit of tyranny, for ever growing by indulgence; and muſt therefore have a neceſſary tendency to deſtroy the peace and order of ſociety. Were the conſtitution of any ſtate ſo far perfected, that legiſlation ſhould always proceed on general principles of equal juſtice, the laws will in ſuch ſtate be regarded, not as a burthen, but a benefit; not a weapon of hoſtility and outrage, but as a cementing benevolent principle uniting all hearts in their defence. Each man will feel an intereſt in the obedience of others, and no individual will henceforth violate the laws without perſonal diſgrace, and provoking the juſt indignation of all.

An intelligent mind, abſtracted from the hiſtory of human follies and human crimes, would diſcover in religion a new ſecurity for this reign o univerſal peace. The firſt idea preſented, mu be an awful impreſſion of the power and wiſdom o the Great Author of all-created being. A contem plation of his works muſt develop the benevo lence with which they were framed; and th general laws of the phyſical and moral world mu teach that all are equal in his ſight. Of the na

tura

rights which God has given to man, *the moſt* Mr. Rous.
is the freedom of his own mind. This he
t renounce, though he may diſguiſe: he
t abandon, though he may belie his conſci-
and deceive mankind. Of all the employ-
in which the powers of the human mind
e engaged, the worſhip of the Divine Being
ıliarly that in which hypocriſy is folly added
lt—is peculiarly that which always *muſt be-*
xcluſively to the individual. As it regards
er life, it can affect none but him. As it
ctly affects the affairs of this life, its operation
ds ſolely on the ſincerity with which it forms
eart and internal habits of the individual.
devotions be ſincere and rational, he can
only to merit the favour of the Deity by the
ırge of his moral duties to his fellow crea-
with whom he is deſtined to act. Accord-
we find, that in all religions, which are not
ſyſtems of prieſtcraft, the fundamental prin-
are the ſame. They all enjoin the perform-
ɔf the ſame duties. How far any religion
ɔroduce *a real effect*, muſt depend on the ſin-
with which the particular religioniſt humbles
lf before his God. The utmoſt efforts of
ı, except by inſtruction, can avail nothing.
ppily for mankind, the truths which concern
ıty are too obvious to create a difference of
ɔn. When, indeed, man wanders beyond
limits, into the airy regions of metaphyſical
ty, where prieſts have dogmatiſed, and the
gaping

Mr. Rous. gaping multitude obeyed, *in thinking minds* opinions continually diverge, until as great a variety prevails in the ſentiments as in the faces of mankind. Amidſt this variety the wiſh of the individual to render his ſervice moſt acceptable to the Deity, is a ſubject on which a philoſopher would expect mutual forbearance, even greater than in the moſt abſtract ſpeculative ſcience. *It excluſively affects the individual worſhipper alone, and the moſt unbounded exerciſe of private judgment is duty.* Yet, ſtrange as it may ſeem in a religion, whoſe fundamental principle is to love our neighbour as ourſelves, and whoſe author has explained *neighbour* to mean *man without diſtinction of nation, of language, or religion*, intolerance of unimportant ſpeculative dogmas, idle modes of worſhip and of faith, have convulſed every chriſtian kingdom, and deluged the earth with blood. Its ferocious aſpect, indeed, has ſoftened, as reaſon and knowledge diffuſed their influence; but the malignant ſpirit yet lurks in teſts, which the prevailing temper of the age forbids the magiſtrate to execute—ſufficient, however, to engender diſcord, and occaſionally deſtroy the houſes of our fellow-citizens.

That ſociety can have no poſſible intereſt in teſts, this ſingle conſideration demonſtrates. To thoſe who are ſo unfortunate as not to comprehend or believe the relation in which man, as a moral being, ſtands to his Creator, all teſts are vain. They cannot heſitate to ſubſcribe any dogmas, or perform any ceremonies, which convenience may require,

re. Thoſe, on the other hand, whoſe minds Mr. Rous.
wfully impreſſed with this great truth, find in
pinion alone all the ſanction which religion can
y give to the diſcharge of ſocial duties. To
teſts are uſeleſs. But are teſts, therefore,
ent? Their hiſtory proves, that they have
ıated in the worſt paſſions of the human heart,
o this day upheld by the ſame ſpirit; and
neceſſary effects ſpeak them ſubverſive of the
foundations of all true religion and virtue.
teſt act originated in that horror of popery
ı pervaded the kingdom in the reign of
es the ſecond; which taught our anceſtors
prehend a general maſſacre from a feeble
imbued, indeed, with a fooliſh ſuperſtition,
ho formed not one hundredth part of the
ı; which poiſoned the very fountains of
c ſecurity by falſe plots and conſpiracies,
ering harmleſs citizens under the maſk and
of juſtice; which made that infamous per-
villain, Titus Oates, a penſioner at the revo-
ı; which depoſited the laſt remains of its
ul influence in the outrages of lord George
on's mob, deſtroying our houſes, and vomit-
ırth the contents of our priſons on the peace-
habitants of this great metropolis. The ad-
and equally ſenſeleſs yell of danger to the
h firſt provoked the oppoſite paſſion by the
:utions of Laud, aided by the courts of high
ıiſſion and ſtar-chamber; ſupported the ab-
tyranny of Charles; upheld for a time the
more

Mr. Rous. more fooliſh bigotry and greater violence of his brother; made a ſaint of Sacheverel, for preaching the impious and contemptible nonſenſe of paſſive obedience and non-reſiſtance; and at length diſgraced the nation in the eyes of enlightened Europe, by exciting an illiterate ignorant mob to deſtroy the houſe of a philoſopher who is an honour to his country, of a man whom the virtuous muſt love; and to involve in the ſame ruin many worthy and induſtrious citizens, who preſumed to worſhip God in the manner they deem moſt acceptable to the divine nature.

One party, indeed, diſſenters included, though diſgraced by their fanaticiſm, directed their clamours againſt popery to a noble object, the advancement of the civil liberties, and conſequent happineſs of mankind. They reſiſted the tyranny of the Stuarts, were the active friends of the revolution, ſecured the ſucceſſion to the houſe of Brunſwick, and preſerved the crown to the anceſtors of his preſent majeſty. Above all, theſe men firſt learnt to apply their reaſonings on civil to religious liberty; and have amply redeemed their paſt follies, by the juſt and liberal ſentiments they now maintain. On the other hand, king-craft and prieſt-craft yet continue to diſgrace their adverſaries, who, in their ridiculous pretended zeal for uniformity of doctrine, which hypocrites alone can profeſs, loſe ſight of all their duties, and harden their hearts againſt the common charities, without which religion is a lie, and its rites a ſolemn mockery of their God.

A right

A right reverend prelate ſounds the trump of civil diſcord; and while an ignorant multitude purſue without mercy, and plunder without remorſe, pious paſtors from their pulpits inſult the juſtice of their country in the preſence of her judges, by treating the outrage of banditti as a wholeſome ſupplement to her laws. Mr. Rous.

I, who can laugh at ſome dogmas of our church, and ſubmit to her diſcipline, may venture to ſuggeſt, that the folly of this proſcriptive ſpirit can be equalled only by its guilt. Why ſhould the church, by profaning the moſt ſolemn rites of her religion, to qualify an exciſeman, expoſe herſelf to the deriſion and contempt of enemies, whoſe numbers ſhe cannot diminiſh? Why irritate, why ſtimulate a numerous intelligent body of diſſenters to inveſtigate her errors and expoſe her defects? Can a diſſenter poſſibly behold the laws of his country excluding him from the common rights of citizenſhip, treating the acceptance of an office in the management of our common concern, as the moſt atrocious crime, to be puniſhed with all the conſequences of outlawry; can a diſſenter feel ſuch outrage, and not abhor the unnatural, the abſurd injuſtice? There is a ſophiſtry in our paſſions, which eaſily perſuades us to believe it is our duty to deſtroy what we cannot but deteſt and abhor. While, therefore, teſt laws ſubſiſt, all who diſſent from the church will labour its overthrow. Even I, a churchman and friend to eſtabliſhment, do not heſitate to ſay, if the clergy *will combine their ſafety with injuſtice to*

Mr. Rous. *others*, let eſtabliſhments periſh. Eſtabliſhments are *uſeful*; juſtice is *neceſſary* to the well-being of ſociety.

So abſurdly do ſome men reaſon, that this temper of diſſenters *thus provoked and irritated* has been urged as an argument for upholding the *cauſe*. The clergy, forgetting the precepts of the meek author of their religion, claim a merit in abſtaining from more active perſecution, take praiſe that they do not re-light the fires of Smithfield, and, with the language of charity in their mouths, but with the moſt unchriſtian rancour in their hearts, repreſent proſcription from the common rights of citizenſhip as no injury. They affect to juſtify injuſtice: and in their turn to complain, that *their indulgence* to tender conſciences is ill received, and that thoſe who are not contented with *their permiſſion* to live unmoleſted in our common country, prove themſelves unworthy the rights of citizens. In private life, were an individual to hold the ſame language, were he to ſay to his equal, "I do you no injury; I have "neither murdered your father, nor robbed your "houſe; I have only turned you out of every "public meeting in the pariſh;" were he abſurdly to juſtify his violence, by alleging the manifeſt anger and reſentment of his adverſary, a dark room and ſtrait waiſtcoat would be the ſole reply to ſuch ridiculous madneſs. Yet the abſurdity of our preſent teſt laws is ſomewhat greater. While they irritate and provoke the diſſenters by an excluſion from all offices of honour or profit, they

hey admit them as electors, admit them even to it in both houſes of parliament, where alone their reſentment can attempt a change. Mr. Rous.

The real motive for preſerving theſe laws is not a regard for the intereſts of ſociety, yet leſs for the intereſts of religion; nor is the motive to be found in a zeal for the eſtabliſhments of our church. Some eſtabliſhment may reſt on the broad baſis of public utility. A precarious proviſion for the clergy, has a natural tendency to degrade religion in the perſons of its miniſters; *leſs, indeed, than a perverſion of its precepts, or a profanation of its rites.* The clergy of the national religion ought, therefore, to be placed in a ſituation, whenever they deſerve, to command reſpect. It were, perhaps, difficult to reconcile to enlightened reaſon all the arrangements of our national church: but poſſeſſion is title, which none can impeach, who cannot demonſtrate advantages more than ſufficient to compenſate the neceſſary evils of a change. If teſt laws degrade religion by a proſtitution of its rites, deſtroy it by a ſubverſion of its precepts, and endanger the church eſtabliſhment without a rational motive, what can ſupport them? According to biſhop Warburton, the eſtabliſhed church in any country is the natural *ally* of the civil government; and "the great preliminary or fun-"damental article of alliance is this: *that the* "*church ſhall apply all its influence in the ſervice of* "*the ſtate*, and the ſtate ſhall ſupport and protect "the church." According to this notable ſyſtem,

Mr. Rous. all governments are a conſpiracy of profligate ſtateſmen and corrupt prieſts againſt the common rights of mankind. Of ſuch a ſyſtem teſt laws are a moſt uſeful part: they enable prieſts and ſtateſmen to inflame the minds of men againſt each other by groundleſs diſtinctions—the very terms of which the multitude cannot comprehend—to preclude all union from a ſenſe of common intereſt; and thus advance the profit of a *few* on the plunder and oppreſſion of the *many*. But the ſun of freedom has riſen on the world to diſpel theſe clouds of ignorance. The nation will unite in a common cauſe; and if ſuch conſpirators ſhall then remain, their falſehood, hypocriſy, and fraud will incur the ſcorn and deteſtation of mankind.

The principle of juſtice, extending its equal protection to every member of the community, ſpeaks the plain language of univerſal peace. To conſider public inſtitutions as deriving all their claim to ſupport from their public utility, has a neceſſary tendency to unite all men in the cauſe of juſt government. Yet for maintaining theſe doctrines have I been ſtigmatiſed as wiſhing to become the leader of a mob. With thoſe who *cannot reaſon*, I appeal to my paſt conduct. In the year 1780 it was my lot to ſit in parliament when lord George Gordon aſſembled his myrmidons. Generally voting againſt government, then engaged in the American war, I had no particular call of duty to be forward in its defence; yet for my activity in reſiſting that banditti, aſſembled in the lobby to

ıwe the houſe of commons, I had the honour to Mr. Rous.
ɔe included in the ſame proſcription with ſir George
Saville; and my humble habitation would probably
ıave ſhared the fate of his, had not the Iriſh ſtu-
lents of the law, perfect ſtrangers to me, with a
generous ſpirit characteriſtic of the nation, offered
heir protection. Our meaſures for reſiſtance, at
irſt derided, taught others to conſult their own
afety; and we were ſoon invited to concur in a
ommon defence.

The friends of civil and religious liberty muſt
ever be friends of order. Their ſole power is the
voice of truth, which can be heard only in a calm.
The temple of their worſhip can alone ariſe from
the ſober reaſon of mankind, directed by a ſenſe of
common intereſt. Government, on the contrary,
love an occaſional riot, which, with the aſſiſtance
of the military, is eaſily ſuppreſſed: in the mean
time it alarms the votaries of a ſordid luxury;
makes them crouch for protection; and teaches
them patiently to endure evils impoſed by the hand
of power. Accordingly, for more than a month
preceding the 14th of July, all the daily prints in
the intereſt of the treaſury laboured to excite a
tumult: yet in the numerous places where the
French revolution was celebrated, among its
friends thus irritated and insulted, not a ſymptom of
ill will to any human being has appeared. In Bir-
mingham, on the other hand, the ſenſeleſs yell of
danger to the church reſounded; and an ignorant
multitude were taught to diſplay their zeal for a meek

Mr. Rous. and holy religion, by conflagrations raiſed in the houſes of their fellow-citizens. Even after this event, *doubtleſs ſome breach of order*, government have abounded in tenderneſs and mercy. To let looſe the rigours of juſtice, might have been a cruel ſacrifice of their friends.

When reaſoning men behold theſe things, they are more firmly convinced, that a ſenſe of univerſal juſtice can alone eſtabliſh permanent order and peace—that a rigid adherence to general principles in legiſlation can alone ſecure imperfect beings from the ſeduction of prejudice or paſſion; and thence infer the wiſdom of France in this ſolemn declaration of right, that the law ſhould "be the ſame to all, whether it protects or puniſhes; "and all being equal in its ſight, are equally eli- "gible to all honours, places, and employments, "according to their different abilities, without any "other diſtinction than that created by their vir- "tues and talents."

Mr.

Mr. P A I N E.

MR. Burke's book is *all* miſcellany. His intention was to make an attack on the French revolution; but inſtead of proceeding with an orderly arrangement, he has ſtormed it with a mob of ideas, tumbling over and deſtroying one another. Rights of Man.

But this confuſion and contradiction in Mr. Burke's book is eaſily accounted for.—When a man in a long cauſe attempts to ſteer his courſe by any thing elſe than ſome polar truth or principle, he is ſure to be loſt. It is beyond the compaſs of his capacity to keep all the parts of an argument together, and make them unite in one iſſue, by any other means than having this guide always in view. Neither memory nor invention will ſupply the want of it. The former fails him, and the latter betrays him.

Notwithſtanding the nonſenſe (for it deſerves no better name) that Mr. Burke has aſſerted about hereditary rights and hereditary ſucceſſion, and that a nation has not a right to form a government for itſelf, it happened to fall in his way to give ſome account of what government is. "*Government*, ſays he, *is a contrivance of human wiſdom.*"

Admitting that government is a contrivance of human *wiſdom*, it muſt neceſſarily follow, that

Mr. Paine. hereditary ſucceſſion, and hereditary rights (as they are called), can make no part of it, becauſe it is impoſſible to make wiſdom hereditary; and on the other hand, *that* cannot be a wiſe contrivance, which in its operation may commit the government of a nation to the wiſdom of an idiot. The ground which Mr. Burke now takes is fatal to every part of his cauſe. The argument changes from hereditary rights to hereditary wiſdom; and the queſtion is, Who is the wiſeſt man? He muſt now ſhew that every one in the line of hereditary ſucceſſion was a Solomon, or his title is not good to be a king.—What a ſtroke has Mr. Burke now made! To uſe a ſailor's phraſe, he has *ſwabbed the deck*, and ſcarcely left a name legible in the liſt of kings; and he has mowed down and thinned the houſe of peers, with a ſcythe as formidable as death and time.

But Mr. Burke appears to have been aware of this retort, and he has taken care to guard againſt it, by making government to be not only a *contrivance* of human wiſdom, but a *monopoly* of wiſdom. He puts the nation as fools on one ſide, and places his government of wiſdom, all wiſe-men of Gotham, on the other ſide; and he then proclaims, and ſays, that "*Men have a* RIGHT "*that their* WANTS *ſhould be provided for by this* "*wiſdom.*" Having thus made proclamation, he next proceeds to explain to them what their *wants* are, and alſo what their *rights* are. In this he has ſucceeded dextrouſly, for he makes

their

their wants to be a *want* of wiſdom; but as this is no cold comfort, he then informs them, that they have a *right*, not to any of the wiſdom, but to be governed by it: and in order to impreſs them with a ſolemn reverence for this monopoly-government of wiſdom, and of its vaſt capacity for all purpoſes, poſſible or impoſſible, right or wrong, he proceeds, with aſtrological myſterious importance, to tell to them its powers, in theſe words— Mr. Paine.

"The rights of men in government are their advantages; and theſe are often in balances between differences of good, and in compromiſes ſometimes between *good* and *evil*, and ſometimes between *evil* and *evil*. Political reaſon is a *computing principle*; adding—ſubtracting—multiplying—and dividing, morally, and not metaphyſically or mathematically, true moral demonſtrations."

As the wondering audience whom Mr. Burke ſuppoſes himſelf talking to, may not underſtand all this learned jargon, I will undertake to be its interpreter. The meaning then, good people, of all this is, *That government is governed by no principle whatever; that it can make evil good, or good evil, juſt as it pleaſes. In ſhort, that government is arbitrary power.*

But there are ſome things which Mr. Burke has forgotten. *Firſt*, He has not ſhewn where the wiſdom originally came from: and *ſecondly*, he has not ſhewn by what authority it firſt began to act. In the manner he introduces the matter, it

Mr. Paine. is either government ſtealing wiſdom, or wiſdom ſtealing government. It is without an origin, and its powers without authority. In ſhort, it is uſurpation.

Whether it be from a ſenſe of ſhame, or from a conſciouſneſs of ſome radical defect in a government neceſſary to be kept out of ſight, or from both, or from any other cauſe, I undertake not to determine; but ſo it is, that a monarchical reaſoner never traces government to its ſource, or from its ſource. It is one of the *ſhibboleths* by which he may be known. A thouſand years hence, thoſe who ſhall live in America, or in France, will look back with contemplative pride on the origin of their governments, and ſay, *This was the work of our glorious anceſtors!*—But what can a monarchical talker ſay? What has he to exult in? Alas! he has nothing. A certain ſomething forbids him to look back to a beginning, leſt ſome robber or ſome Robin Hood ſhould riſe from the long obſcurity of time, and ſay, *I am the origin!* Hard as Mr. Burke laboured the regency bill and hereditary ſucceſſion two years ago, and as much as he dived for precedents, he ſtill had not boldneſs enough to bring up William of Normandy, and ſay, *There is the head of the liſt! there is the fountain of honour!* the ſon of a proſtitute, and the plunderer of the Engliſh nation.

The opinions of men with reſpect to government, are changing faſt in all countries. The revolutions of America and France have thrown a beam

a beam of light over the world, which reaches into man. The enormous expence of governments has provoked people to think, by making them feel; and when once the veil begins to rend, it admits not of repair. Ignorance is of a peculiar nature: once diſpelled, and it is impoſſible to reeſtabliſh it. It is not originally a thing of itſelf, but is only the abſence of knowledge; and though man may be *kept* ignorant, he cannot be *made* ignorant. The mind, in diſcovering truth, acts in the ſame manner as it acts through the eye in diſcovering objects; when once any object has been ſeen, it is impoſſible to put the mind back to the ſame condition it was in before it ſaw it. Thoſe who talk of a counter revolution in France, ſhew how little they underſtand of man. There does not exiſt, in the compaſs of language, an arrangement of words to expreſs ſo much as the means of effecting a counter revolution. The means muſt be an obliteration of knowledge; and it has never yet been diſcovered, how to make man *unknow* his knowledge, or *unthink* his thoughts. Mr. Paine.

Mr. Burke is labouring in vain to ſtop the progreſs of knowledge; and it comes with the worſe grace from him, as there is a certain tranſaction known in the city, which renders him ſuſpected of being a penſioner in a fictitious name. This may account for ſome ſtrange doctrine he has advanced in his book, which, though he points it at the revolution ſociety, is effectually directed againſt the whole nation.

" The

Mr. Paine. "The king of England," ſays he, "holds *his* "crown (for it does not belong to the nation, "according to Mr. Burke) in *contempt* of the "choice of the revolution ſociety, who have not "a ſingle vote for a king among them, either "*individually* or *collectively*; and his majeſty's heirs, "each in their time and order, will come to the "crown *with the ſame contempt* of their choice "with which his majeſty has ſucceeded to that "which he now wears."

As to who is king in England or elſewhere, or whether there is any king at all, or whether the people chooſe a Cherokee chief, or a Heſſian huſſar for a king, is not a matter that I trouble myſelf about, be that to themſelves; but with reſpect to the doctrine, ſo far as it relates to the rights of men and nations, it is as abominable as any thing ever uttered in the moſt enſlaved country under heaven. Whether it ſounds worſe to my ear, by not being accuſtomed to hear ſuch deſpotiſm, than it does to the ear of another perſon, I am not ſo well a judge of; but of its abominable principle I am at no loſs to judge.

It is not the revolution ſociety that Mr. Burke means: it is the nation, as well in its *original* as in its *repreſentative* character; and he has taken care to make himſelf underſtood, by ſaying, that they have not a vote either *collectively* or *individually*. The revolution ſociety is compoſed of citizens of all denominations, and of members of both the houſes of parliament; and conſequently,

quently, if there is not a right to a vote in any of the characters, there can be no right to any either in the nation or in its parliament. This ought to be a caution to every country, how it imports foreign families to be kings. It is ſomewhat curious to obſerve, that although the people of England have been in the habit of talking about kings, it is always a foreign houſe of kings; hating foreigners, yet governed by them. It is now the houſe of Brunſwick, one of the petty tribes of Germany. Mr. Paine.

It has hitherto been the practice of the Engliſh parliaments to regulate what was called the ſucceſſion (taking it for granted, that the nation then continued to accord to the form of annexing a monarchical branch to its government; for without this, the parliament could not have had authority to have ſent either to Holland or to Hanover, or to impoſe a king upon the nation againſt its will). And this muſt be the utmoſt limit to which parliament can go upon the caſe; but the right of the nation goes to the *whole* caſe, becauſe it has the right of changing its *whole* form of government. The right of a parliament is only a right in truſt, a right by delegation, and that but from a very ſmall part of the nation; and one of its houſes has not even this. But the right of the nation is an original right, as univerſal as taxation. The nation is the paymaſter of every thing, and every thing muſt conform to its general will.

I remember

Mr. Paine. I remember taking notice of a ſpeech in what is called the Engliſh houſe of peers, by the then earl of Shelburne, and I think it was at the time he was miniſter, which is applicable to this caſe. I do not directly charge my memory with every particular; but the words and the purport, as nearly as I remember, were theſe: *That the form of a government was a matter wholly at the will of a nation at all times: that if it choſe a monarchical form, it had a right to have it ſo; and if it afterwards choſe to be a republic, it had a right to be a republic, and to ſay to a king, We have no longer any occaſion for you.*

When Mr. Burke ſays that "his majeſty's heirs "and ſucceſſors, each in their time and order, "will come to the crown with the *ſame contempt* "of their choice with which his majeſty has ſuc- "ceeded to that he wears," it is ſaying too much even to the humbleſt individual in the country; part of whoſe daily labour goes towards making up the million ſterling a year, which the country gives the perſon it ſtyles a king. Government with inſolence, is deſpotiſm; but when contempt is added, it becomes worſe; and to pay for contempt, is the exceſs of ſlavery. This ſpecies of government comes from Germany; and reminds me of what one of the Brunſwick ſoldiers told me, who was taken priſoner by the Americans in the late war: "Ah!" ſaid he, "America is a fine "free country, it is worth the people's fighting "for; I know the difference by knowing my own;

"in

" in my country, if the prince ſay, Eat ſtraw, we " eat ſtraw."—God help that country, thought I, be it England or elſewhere, whoſe liberties are to be protected by German principles of government and princes of Brunſwick ! Mr. Paine.

As Mr. Burke ſometimes ſpeaks of England, ſometimes of France, and ſometimes of the world, and of government in general, it is difficult to anſwer his book without apparently meeting him on the ſame ground. Although principles of government are general ſubjects, it is next to impoſſible in many caſes to ſeparate them from the idea of place and circumſtance; and the more ſo when circumſtances are put for arguments, which is frequently the caſe with Mr. Burke.

In the former part of his book, addreſſing himſelf to the people of France, he ſays, " No ex- " perience has taught us (meaning the Engliſh), " that in any other courſe or method than that of " an *hereditary crown*, can our liberties be regu- " larly perpetuated and preſerved ſacred as our " *hereditary right*." I aſk Mr. Burke, who is to take them away? M. de la Fayette, in ſpeaking to France, ſays, " *For a nation to be free, it is ſufficient* " *that ſhe wills it*." But Mr. Burke repreſents England as wanting capacity to take care of itſelf; and that its liberties muſt be taken care of by a king holding it in " contempt." If England is ſunk to this, it is preparing itſelf to eat ſtraw, as in Hanover or in Brunſwick. But beſides the folly of the declaration, it happens that the facts

are

Mr. Paine. are all againſt Mr. Burke. It was by the government *being hereditary*, that the liberties of the people were endangered. Charles the firſt, and James the ſecond, are inſtances of this truth; yet neither of them went ſo far as to hold the nation in contempt.

As it is ſometimes of advantage to the people of one country to hear what thoſe of other countries have to ſay reſpecting it, it is poſſible that the people of France may learn ſomething from Mr. Burke's book, and that the people of England may alſo learn ſomething from the anſwers it will occaſion. When nations fall out about freedom, a wide field of debate is opened. The argument commences with the rights of war, without its evils; and as knowledge is the object contended for, the party that ſuſtains the defeat obtains the prize.

Mr. Burke talks about what he calls an hereditary crown, as if it were ſome production of nature; or as if, like time, it had a power to operate not only independent, but in ſpite of man; or as if it were a thing or a ſubject univerſally conſented to. Alas! it has none of thoſe properties, but is the reverſe of them all. It is a thing in imagination, the propriety of which is more than doubted, and the legality of which in a few years will be denied.

But, to arrange this matter in a clearer view than what general expreſſions can convey, it will be neceſſary to ſtate the diſtinct heads under which

(what

what is called) an hereditary crown, or, more properly ſpeaking, an hereditary ſucceſſion to the government of a nation, can be conſidered; which are, Mr. Paine.

Firſt, The right of a particular family to eſtabliſh itſelf.

Secondly, The right of a nation to eſtabliſh a particular family.

With reſpect to the *firſt* of theſe heads, that of a family eſtabliſhing itſelf with hereditary powers on its own authority, and independent of the conſent of a nation, all men will concur in calling it deſpotiſm; and it would be treſpaſſing on their underſtanding to attempt to prove it.

But the *ſecond* head, that of a nation eſtabliſhing a particular family with *hereditary powers*, it does not preſent itſelf as deſpotiſm on the firſt reflection; but if men will permit a ſecond reflection to take place, and carry that reflection forward but one remove out of their own perſons to that of their offſpring, they will then ſee that hereditary ſucceſſion becomes in its conſequences the ſame deſpotiſm to others, which they reprobated for themſelves. It operates to preclude the conſent of the ſucceeding generation, and the preclusion of conſent is deſpotiſm. When the perſon who at any time ſhall be in poſſeſſion of a government, or thoſe who ſtand in ſucceſſion to him, ſhall ſay to a nation, I hold this power in "contempt" of you, it ſignifies not on what authority he pretends to ſay it. It is no relief, but an aggravation to a perſon

Mr. Paine.

perſon in ſlavery, to reflect that he was ſold by his parent; and as that which heightens the criminality of an act cannot be produced to prove the legality of it, hereditary ſucceſſion cannot be eſtabliſhed as a legal thing.

In order to arrive at a more perfect deciſion on this head, it will be proper to conſider the generation which undertakes to eſtabliſh a family with *hereditary powers*, apart and ſeparate from the generations which are to follow; and alſo to conſider the character in which the *firſt* generation acts with reſpect to ſucceeding generations.

The generation which firſt ſelects a perſon, and puts him at the head of its government, either with the title of king, or any other diſtinction, acts its *own choice*, be it wiſe or fooliſh, as a free agent for itſelf. The perſon ſo ſet up is not hereditary, but ſelected and appointed; and the generation who ſets him up, does not live under an hereditary government, but under a government of its own choice and eſtabliſhment. Were the generation who ſets him up, and the perſon ſo ſet up, to live for ever, it never could become hereditary ſucceſſion; and of conſequence hereditary ſucceſſion can only follow on the death of the firſt parties.

As therefore hereditary ſucceſſion is out of the queſtion with reſpect to the *firſt* generation, we have now to conſider the character in which *that* generation acts with reſpect to the commencing generation, and to all ſucceeding ones.

It aſſumes a character, to which it has neither right

right nor title. It changes itſelf from a *legiſlator* to a *teſtator*, and affects to make its will, which is to have operation after the demiſe of the makers, to bequeath the government; and it not only attempts to bequeath, but to eſtabliſh on the ſucceeding generation, a new and different form of government, under which itſelf lived. Itſelf, as is already obſerved, lived not under an hereditary government, but under a government of its own choice and eſtabliſhment; and it now attempts, by virtue of a will and teſtament (and which it has not authority to make), to take from the commencing generation, and all future ones, the rights and free agency by which itſelf acted. Mr. Paine.

But, excluſive of the right which any generation has to act collectively as a teſtator, the objects to which it applies itſelf in this caſe, are not within the compaſs of any law, or of any will or teſtament.

The rights of men in ſociety are neither deviſable, nor transferable, nor annihilable, but are deſcendible only; and it is not in the power of any generation to intercept finally, and cut off the deſcent. If the preſent generation, or any other, are diſpoſed to be ſlaves, it does not leſſen the right of the ſucceeding generation to be free: wrongs cannot have a legal deſcent. When Mr. Burke attempts to maintain that the *Engliſh nation did, at the revolution of* 1688, *moſt ſolemnly renounce and abdicate their rights for themſelves and for all their poſterity for ever*, he ſpeaks a language that merits

Mr. Paine. not reply, and which can only excite contempt for his proſtitute principles, or pity for his ignorance.

In whatever light hereditary ſucceſſion, as growing out of the will and teſtament of ſome former generation, preſents itſelf, it is an abſurdity. A cannot make a will to take from B the property of B, and give it to C; yet this is the manner in which (what is called) hereditary ſucceſſion by law operates. A certain former generation made a will to take away the rights of the commencing generation and all future ones, and convey thoſe rights to a third perſon, who afterwards comes forward, and tells them in Mr. Burke's language, that they have *no rights*, that their rights are already bequeathed to him, and that he will govern in *contempt* of them. From ſuch principles, and ſuch ignorance, good Lord deliver the world!

But, after all, what is this metaphor called a crown, or rather what is monarchy? Is it a thing, or is it a name, or is it a fraud? Is it "a contrivance of human wiſdom," or of human craft to obtain money from a nation under ſpecious pretences? Is it a thing neceſſary to a nation? If it is, in what does that neceſſity conſiſt, what ſervices does it perform, what is its buſineſs, and what are its merits? Doth the virtue conſiſt in the metaphor, or in the man? Doth the goldſmith that makes the crown, make the virtue alſo? Doth it operate like Fortunatus's wiſhing-cap, or Harlequin's wooden ſword? Doth it make a man a conjuror?

conjuror? In fine, what is it? It appears to be a something going much out of faſhion, falling into ridicule, and rejected in ſome countries both as unneceſſary and expenſive. In America it is conſidered as an abſurdity; and in France it has ſo far declined, that the goodneſs of the man, and the reſpect for his perſonal character, are the only things that preſerve the appearance of its exiſtence. Mr. Paine.

If government be what Mr. Burke deſcribes it, "a contrivance of human wiſdom," I might aſk him, if wiſdom was at ſuch a low ebb in England, that it was become neceſſary to import it from Holland and from Hanover? But I will do the country the juſtice to ſay, that was not the caſe; and even if it was, it miſtook the cargo. The wiſdom of every country, when properly exerted, is ſufficient for all its purpoſes; and there could exiſt no more real occaſion in England to have ſent for a Dutch ſtadtholder, or a German elector, than there was in America to have done a ſimilar thing. If a country does not underſtand its own affairs, how is a foreigner to underſtand them, who knows neither its laws, its manners, nor its language? If there exiſted a man ſo tranſcendently wiſe above all others, that his wiſdom was neceſſary to inſtruct a nation, ſome reaſon might be offered for monarchy; but when we caſt our eyes about a country, and obſerve how every part underſtands its own affairs; and when we look around the world, and ſee that of all men in

Mr. Paine.

it, the race of kings are the moſt inſignificant in capacity, our reaſon cannot fail to aſk us—What are thoſe men kept for?

If there is any thing in monarchy which we people of America do not underſtand, I wiſh Mr. Burke would be ſo kind as to inform us. I ſee in America government extending over a country ten times as large as England, and conducted with regularity for a fortieth part of the expence which government coſts in England. If I aſk a man in America, if he wants a king? he retorts, and aſks me, if I take him for an idiot? How is it that this difference happens? Are we more or leſs wiſe than others? I ſee in America the generality of people living in a ſtyle of plenty unknown in monarchical countries; and I ſee that the principle of its government, which is that of the *equal rights of man*, is making a rapid progreſs in the world.

If monarchy is a uſeleſs thing, why is it kept up any where? and if a neceſſary thing, how can it be diſpenſed with? That *civil government* is neceſſary, all civiliſed nations will agree in; but civil government is republican government. All that part of the government of England which begins with the office of conſtable, and proceeds through the department of magiſtrate, quarter-ſeſſion, and general aſſize, including trial by jury, is republican government. Nothing of monarchy appears in any part of it, except the name which

William

William the Conqueror impoſed upon the Engliſh, that of obliging them to call him "their ſovereign lord the king." Mr. Paine.

It is eaſy to conceive, that a band of intereſted men, ſuch as placemen, penſioners, lords of the bed-chamber, lords of the kitchen, lords of the neceſſary-houſe, and the Lord knows what beſides, can find as many reaſons for monarchy as their ſalaries paid at the expence of the country amount to: but if I aſk the farmer, the manufacturer, the merchant, the tradeſman, and down through all the occupations of life to the common labourer, what ſervice monarchy is to him? he can give me no anſwer. If I aſk him what monarchy is? he believes it is ſomething like a ſinecure.

Notwithſtanding the taxes of England amount to almoſt ſeventeen millions a-year, ſaid to be for the expences of government, it is ſtill evident that the ſenſe of the nation is left to govern itſelf, and does govern itſelf by magiſtrates and juries, almoſt at its own charge, on republican principles, excluſive of the expence of taxes. The ſalaries of the judges are almoſt the only charge that is paid out of the revenue. Conſidering that all the internal government is executed by the people, the taxes of England ought to be lighteſt of any nation in Europe; inſtead of which, they are the contrary. As this cannot be accounted for on the ſcore of civil government, the ſubject neceſſarily extends itſelf to the monarchical part.

When the people of England ſent for George

Mr. Paine. the firſt (and it would puzzle a wiſer man than Mr. Burke to diſcover for what he could be wanted, or what ſervice he could render), they ought at leaſt to have conditioned for the abandonment of Hanover. Beſides the endleſs German intrigues that muſt follow from a German elector being king of England, there is a natural impoſſibility of uniting in the ſame perſon the principles of freedom and the principles of deſpotiſm, or, as it is uſually called in England, arbitrary power. A German elector is in his electorate a deſpot; how then could it be expected that he ſhould be attached to principles of liberty in one country, while his intereſt in another was to be ſupported by deſpotiſm? The union cannot exiſt: and it might eaſily have been foreſeen, that German electors would make German kings, or, in Mr. Burke's words, would aſſume government with 'contempt.' The Engliſh have been in the habit of conſidering a king of England only in the character in which he appears to them: whereas the ſame perſon, while the connection laſts, has a home ſeat in another country, the intereſt of which is different to their own, and the principles of the governments in oppoſition to each other—To ſuch a perſon England will appear as a town-reſidence, and the electorate as the eſtate. The Engliſh may wiſh, as I believe they do, ſucceſs to the principles of liberty in France or in Germany; but a German elector trembles for the fate of deſ-

potiſm

potiſm in his electorate: and the duchy of Mecklenburgh, where the preſent queen's family governs, is under the ſame wretched ſtate of arbitrary power, and the people in ſlaviſh vaſſalage. Mr. Paine.

There never was a time when it became the Engliſh to watch continental intrigues more circumſpectly than at the preſent moment, and to diſtinguiſh the politics of the electorate from the politics of the nation. The revolution of France has entirely changed the ground with reſpect to England and France, as nations: but the German deſpots, with Pruſſia at their head, are combining againſt liberty; and the fondneſs of Mr. Pitt for office, and the intereſt which all his family connections have obtained, do not give ſufficient ſecurity againſt this intrigue.

DOCTOR PARR.

A Sequel, &c.

UPON all reformations, whether civil or eccleſiaſtical, I look not only to the wiſhes and to the arguments of individuals, but to the collective wiſdom of the legiſlature.

In the earlier part of my life, I thought the teſt act oppreſſive; but in the year 1782, I very carefully and very ſeriouſly re-examined the ſubject, and changed my opinion. In 1790, I ſtrenuouſly oppoſed the attempt to procure a repeal; and yet I cannot help indulging the comfortable hope, that in the progreſs of intellectual and moral improvement, religious animoſities will at laſt ſubſide, and that the reſtraints for which I have contended, and do now contend, will no longer be thought neceſſary for the public ſafety, by the heads of that church which I have never deſerted, and by the members of that legiſlature which I have never diſobeyed.

In the mean time, I think it my duty to diſtinguiſh between the private and the public characters, between the literary merits and the political ſingularities, between the ſubſtantial virtues and the occaſional indecorums of thoſe perſons who may not agree with me in my religious creed; and, perhaps, if the ſame diſtinctions were now and then made by greater and wiſer men than myſelf, the general tranquillity of the kingdom would not be leſs permanently ſecured, and the nobleſt intereſts

of virtue would be promoted more effectually. Dr. Parr.
But let no man infer (for without uncharitableneſs, and without injuſtice, no man living can infer), that I am an advocate for latitudinarianiſm in the church, or a confederate with republicans in the ſtate.

There are in this kingdom men of no mean conſideration for ability and rank, men whom I thoroughly know and ſincerely regard, and by whom I am myſelf neither unknown, nor, I would hope, unregarded. Theſe men, I believe, are not accuſtomed to charge me with any overweening fondneſs for ſects, or any blind confidence in the leaders of ſects. They are aware, that with great conſtitutional warmth of temper, I unite thoſe habits of diſcrimination which gradually teach men to be impartial in opinion, to be temperate in action, and to accommodate the reſults of abſtract ſpeculations to the *real* ſtate of man. Sometimes they may give me the praiſe of a little ſagacity for diſcerning a greater or a leſs portion of bigotry, in every quarter, where I ſee any exceſs of zeal upon points of doubtful evidence, and, perhaps, of utility yet more doubtful.—But they have much oftener ſeen me aſſailed with good-humoured raillery, for ſome wayward propenſities towards the ſternneſs of toryiſm, when I reſiſted the vicious refinements of theory, and condemned all immoderate ardour for *ſudden* and *ſweeping* innovations, of which I neither perceive the immediate neceſſity, nor can calculate the diſtant conſequences. They know that I aſcribe the

moſt

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moſt intelligible parts of man's equality, and the beſt *ſecurity* for man's rights, to the wiſe regulations of ſociety; that I applaud one ancient philoſopher for the preference he gives to the geometrical proportion adopted by Lycurgus over the arithmetical, which Solon, perhaps by compulſion, employed; and that I concur with another great writer, in commending thoſe political inſtitutions, where *both* of theſe proportions are occaſionally introduced, and judiciouſly attempered.—They know that, reverencing even the wilder eccentricities of a paſſion for liberty, I never would break down the fences of ſubordination; and that, deteſting prieſtcraft and kingcraft, under all diſguiſes whatſoever, and for all purpoſes whatſoever, I would ſooner periſh than lend my aſſiſtance to the *abolition* of prieſts and kings.—Qualify, ſay I, and improve; and, if there be real occaſion, reſtrain; but, *deſtroy not.* Anticipate change by *well-timed and well-proportioned* regulation; but provoke it not by ſuperfluous and precarious experiment *. Drive not away with a frown

* "It is good alſo," ſays Bacon, "not to try experiments in "ſtates, except the neceſſity be urgent, or the utility be evident; "and well to beware that it be the reformation that draweth on "the change, and not the deſire of change that pretendeth the "reformation."

They who complain of wiſe ſaws, and of what Cicero calls ignavæ rationes, in Bacon's Eſſay on Innovation, would do well to look for a clearer and ſteadier light in ſir Matthew Hale's Conſiderations "touching the Amendments or Alteration of "Laws." Upon all great ſubjects of policy and law, this great man,

rown even the viſionary reformer, give the tribute of a hearing to the ſpeculative recluſe, but *act* not ill your plan of action has received its laſt and beſt ſtamp of merit from the approbation of men whom practice in public affairs has not made callous to the public weal. Do not give either good men the inclination to ſubvert tumultuouſly, or bad men the power to undermine inſidiouſly, what may be ſafely and advantageouſly preſerved. Do not let looſe the multitude to put forth their own enormous and irreſiſtible ſtrength, in vindication both of their own *ideal* and actual rights. Let governors be parties, and indeed leaders, in the improvement of government—let parliamentary wiſdom and parliamentary authority be employed in parliamentary reform, not merely for the honour of parliament, but in conformity to the ſober judgment and the ſolid intereſts of the people, for whom, and by whom, parliament ſubſiſts. Sooner or later this muſt be done, and this being done *well*, few things will remain undone, which ought to be done at all. Dr. Parr.

Nam ſic habetote, magiſtratibus, iiſq; qui præſunt, contineri rempublicam, et ex eorum compoſitione quod cujuſque reipublicæ genus ſit, intelligi. Quæ res, quum ſapientèr moderatèque conſtituta ſit a majoribus noſtris, etſi magna quædam et præclara, at non multa tamen, habeo, quæ putem novanda in legibus.

Vid. Cic. Fragm. p. 590, vol. 2, edit. Gruter.

man, as was juſtly ſaid of him in the houſe of lords by another great man now living, "is no barren authority."

But

Dr. Parr. But why ſhould I ſhroud my meaning in dark and daſtardly generalities? Some well-conſidered plan for a reform in parliament, with a juſt attention to every ſpecies of property, perſonal and real, and with little or no change in the circumſtance of duration—the removal of every enſnaring ambiguity, and every oppreſſive partiality, on the ſubject of libels—the reviſal of the poor laws, the tythe laws, and the exciſe laws—the mitigation of the penal code—the regulation, but *not* the ſuppreſſion, of the eccleſiaſtical courts—the regulation, *or* the ſuppreſſion, of every corrupt and imperious corporation—the eſtabliſhment of a more vigorous police—and, above all, a more ſerious attention of the legiſlature to the cauſe of education, both for the prevention of crimes, and the improvement of virtue—theſe are the objects which I have moſt at heart. Aſhamed I am not of avowing them; becauſe they looſen no one ancient bulwark; becauſe they leave the crown, the peerage, and the church, nothing to fear; and becauſe they give to the nation at large much indeed to hope. In the progreſs of political knowledge, the tories, as well as the whigs, of this country, may claim their ſhare of improvement; and the reſult is, that each party has gradually retreated from thoſe violent extremes, to which their reſpective principles may be ſuppoſed to tend, directly or indirectly. Indeed, I have myſelf the pleaſure of knowing ſome enlightened tories who concur with me in thinking, that by the temporary union, or even by the generous emula-

ion of ſtateſmen, in giving effect to the meaſures Dr. Parr.
uſt now mentioned, our conſtitution would be pre-
ſerved and invigorated. But they who compre-
hend *all the reaſons* which occur to men of reflection
for going thus far, are not entirely ignorant of firſt
principles, and, by not venturing to go farther,
they ſhew that their prudence is not oppreſſed by
theory, nor their loyalty warped by patriotiſm.

In reſpect to France, I diſtinguiſh with the acute,
the humane, and the elegant Mr. Dupont, between
the neceſſity of the French revolution, and the pro-
ceedings of the national aſſembly. Upon many of
thoſe proceedings I am at a loſs to decide, becauſe
I hear ſuch violent and contradictory reports about
the characters of the agents, and the motives of
their actions. In reality, the opportunities for in-
formation in this country are too ſcanty, and its
channels are too impure, for the wiſeſt men to de-
termine on the juſtice of many detached meaſures;
and in France the time has been far too ſhort to
aſcertain their utility. But upon the more promi-
nent features of the new government, an Engliſh-
man may now be permitted to ſpeak with leſs ha-
zard of error, and leſs offence to decorum.

Εἰῖνός ἰιμι, σκέτιινοι ἀπίχιιν
γόγοι. Pind. Nem. 7.

For my part, then, I ſee much to lament, and
much to condemn, in the ungracious act of wrench-
ing from the crown the ſplendid prerogative of
making war and peace, in the hopeleſs wreck of
nobility,

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nobility*, in the withered honours of the dignified eccleſiaſtics, in the tumultuous election of prelates by their clergy, in the ſhattered fortunes of the exiles, and in that decree which raviſhed from primogeniture all its ſalutary, as well as all its noxious privileges, inſtantaneouſly and indiſcriminately.

* Recollecting the heroes and patriots whoſe names adorned the hiſtory of France, I was ſhocked to find their deſcendants involved in the ſame ſentence with thoſe upſtarts by whom peerage itſelf was diſgraced in proportion as peers were multiplied. I muſt, however, confeſs, that a calm and well-informed obſerver convinced me, after much diſcuſſion, that upon the cloſe of the late government, and even after the introduction of the preſent, no diſtinction could be immediately made with ſafety. Yet I moſt anxiouſly hope, that upon the firſt return of tranquillity, and even among the firſt conditions of reconciliation, it may be propoſed, that the old peers be reſtored to a part of their ancient dignity; that, like the old Cortes of Caſtile, they may appear perſonally, or, like the Scotch peers, they may ſit by repreſentation, in the national aſſembly; and, above all, that they may collectively conſtitute a ſupreme court of judicature, ſimilar to that of the lords in this country. Hiſtory, I am ſure, does not record, nor can imagination eaſily conceive, a tribunal with rules of deciſion ſo equitable and comprehenſive, with ſources of information ſo pure and ſo ample, or with ſuch a ſpirit of impartiality, and ſuch a dignity of character, as have long diſtinguiſhed our houſe of peers. This momentous circumſtance deſerves to be well conſidered by thoſe who, without offering any ſubſtitute for peers in their judicial capacity, contend for the extinction of the order. But, when the honour of nobles is treated as a viſionary principle in political theories, a plain and direct appeal to the events of every ſeſſion will cruſh the charge, and convince us, that in deciſions upon the property of all citizens of all claſſes whatſoever, the honour of the higheſt claſs is a real and moſt efficient principle.

At

At the ſame time, more and greater ſubjects, not of blame, but of commendation, riſe to my view, in ſome of the attempts that have been made to ſimplify that intricate, uncouth, and ponderous ſyſtem of juriſprudence, which clogged the deciſions of property, in the abolition of lettres de cachet, in the inſtitution of trial by jury, in the mitigation of puniſhments, in the temporary power of controlment wiſely reſerved to royalty, in the inviolability no leſs wiſely aſcribed to the perſon of the king, in the plenary toleration granted to religious ſects, in the reſpect paid to the doctrines and the ceremonies of the national church, in the proviſions eſtabliſhed for the more laborious orders of the clergy, in the principles, though, perhaps, not the immediate tendencies, of the meaſures which have been adopted for lightening the preſſure of the public debt, and, above all, in the ſpirit, though not the entire detail, of thoſe regulations *, which give

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* My opinion is, that the French people never were completely free. They obtained, it is true, an occaſional and temporary mitigation of ſlavery through the contentions for power which at various times aroſe between the monarchs of France on the one hand, and the old nobleſſe and the clergy on the other. Such, too, in other feudal ſtates have been the dawnings of liberty, where, as in France, its pure and auſpicious light was ſoon involved in the gloom of deſpotiſm. They who attend to the hiſtory of France, muſt know that the commons in that country never poſſeſſed that effective ſhare in legiſlation, which the commons in England have *gradually* acquired. The reader will ſee more on this ſubject in Bolingbroke's 15th Letter upon Parties. But, while I agree with Bolingbroke, that the commons of France,

Dr. Parr. give real energy to the ſuffrages of the people in the uncorrupt choice of their own repreſentatives for

France, aſſembled under the name of les états, never had any great weight in legiſlation, I maintain that the very act of aſſembling them, ſupplied a principle upon which they, in happier times, have founded a right to extend their powers. It is to be lamented, indeed, that after the adminiſtrations of Richelieu and Mazarine, no traces of freedom can be diſcovered in the government of France, nor does any attempt to diſcover them ſeem to have been made by Mr. Burke himſelf. Let thoſe who think a peerage adverſe to freedom, remember, that Richelieu and Mazarine completed the taſk of humbling the nobility, which had been begun, and with ſome interruption purſued, by former deſpots. I wiſh to ſee in our own country the peerage preſerved, but not to ſee peers wantonly or inſidiouſly multiplied. I wiſh to ſee them inveſted, not with teazing and invidious privileges, but with ſubſtantial and ſplendid rights. Indeed, by the ſpirit of the Engliſh conſtitution, they are the ſupporters, not the creatures of the crown. They are legiſlators for the people, but not their oppreſſors. They have a common intereſt with the people, and an uncommon obligation to preſerve it. While their duties in public life thus aſſiſt in upholding the ſtate, their manners in private life muſt be allowed to adorn ſociety. Habitually conſcious of a dignity which invites reſpect without impoſing ſubmiſſion, they ſeldom wound the feelings of delicate and independent minds by the groſs inſolence of wealth, or by the overbearing arrogance of ſtation. They are placed above thoſe petty competitions for importance, and thoſe petty incitements to tyranny, which we ſometimes lament in the inferior ranks of our gentry. They are not more rapacious than other members of the community as landlords, nor more contentious as neighbours, nor more immoral, I would hope, as men. They at once are too great to be generally envied, and not great enough to be generally feared. Such, in favour of the Engliſh peerage, are the ſentiments of a man, whoſe imagination, I truſt, is not eaſily

for the permanent preſervation of their own rights. Dr. Parr.
I have no doubt as to the wiſdom, or as to the juſtice,

eaſily dazzled by the glare of opulence, and whoſe ſpirit, I am certain, never ſhrunk from the frowns of power. From the natural progreſſion of thoſe cauſes which diffuſe induſtry and wealth through ſociety, inequalities will ariſe, and, having ariſen, they will lead to diſtinctions of ſome kind or other. But to me it ſeems, that, in the circumſtances by which the peers of England are ſeparated from other citizens, and in thoſe by which they are connected with them, feudal inſtitutions have been ſo tempered and modified by the progreſs of civilization, and the diffuſion of general liberty, as to juſtify every impartial well-wiſher of his country in reſiſting all attempts to facilitate the ſubverſion of peerage. Lord Bacon has wiſely aſcribed the imperfections of the Turkiſh government to the want of a nobility; and the hiſtory of our own kingdom, in the laſt century, exhibits a ſtriking proof, that the deſpotiſm of republicans, like the deſpotiſm of monarchs, is more wild and more miſchievous, when uncontrouled by that power, to which our forefathers were eventually indebted for much of their freedom, and which, if properly regulated, is more likely to preſerve than to endanger our own. By the law of the ſtate, nobles are protected as our equals; and by the law of opinion, they would ceaſe to be our ſuperiors, if they ſhould ever preſume to violate the eſtabliſhed rules of civilized life.

The manners of Europe, which form ſo large a part of our ſocial duty and ſocial happineſs, originated chiefly among the nobility of Europe. And even in the more improved and more equalized ſtate of ſociety, numerous gradations of rank are neceſſary to preſerve thoſe ſentiments which ſoften the ruggedneſs of human character, and teach every man at once to reſpect the dignity of others, and to ſupport his own. As the force of this ſentiment is evidently weakened in the lower claſſes of the community, ſo, perhaps, in the oppoſite extremity, it is in ſome degree invigorated by the diſtance between our gentry and the

Dr. Parr. juſtice, or as to the expediency, of theſe alterations. There are, indeed, ſome ſubordinate and doubtful points of reformation, about which ingenuity has laviſhed conjecture, controverſy has bandied arguments, and zeal has fulminated invectives, with little propriety and with little effect. But, when cauſes of greater pith and moment are in agitation, and when their effects are on the point of burſting upon our ſight from every quarter, I would chain up all the little buſy and fretful paſſions that hurry partiſans into enquiries which have no clue, and into altercations which have ſcarcely any aim. To the mighty deciſion of experience I leave the ultimate event; not, indeed, without a fearful ſenſe of the uncertainty which impends over all the judgments, and all the affairs of men; nor yet without a high

nobleſſe, and the yet wider diſtance between the nobleſſe and the crown. Refinement generally deſcends from the higher to the lower ranks; and its progreſs ſeems to be facilitated by the authority of illuſtrious example, and by the neceſſity which cuſtom impoſes upon us to recognize that pre-eminence, which is fixed by a known rule, and diſtinguiſhed by an appropriate name. But the habit, however it may be formed, embraces all the objects to which opinion has attached reſpect.

I doubt whether thoſe who would deſtroy peerage, be diſpoſed to endure monarchy in any form; and I am ſure that they who would extend Engliſh liberty upon the principles of the Engliſh conſtitution, will be careful not to drive a powerful order of men, upon principles of *ſelf-preſervation*, into ſuch a confederacy with the crown as may prove injurious to that liberty. Upon the moral influence of nobility, I refer the philoſophical reader to Dr. Dunbar's moſt elegant and maſterly Eſſay on the Hereditary Genius of Nations.

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and animating affiance, that partial evils will at last work together for the general good, that the nobleſt powers of the human mind will be called into action, and that the public ſtock of human happineſs will be ſecured and enlarged. Dr. Parr.

But whatever may be the opinions I hold as to the juſtice of the late revolution in France, I have ever diſtinguiſhed more carefully, and ever moſt earneſtly entreated other men to diſtinguiſh, between the miſeries formerly endured in that country, and the bleſſings now diffuſed through our own. In France, the government was morbid in its aſpect, morbid in its extremities, and morbid in its vitals: and as to a conſtitution, the very remains of it have ſo long been mouldering in the grave, that even the monumental records of what it was are almoſt effaced from the page of hiſtory; and the philanthropiſt vainly ſearches for the fatal ſpot, on which he may ſhed a tear of pity over the ſacred ſhade of murdered freedom—I call not the ſhrunken and ſhapeleſs ſkeleton of authority preſerved in the French parliaments, exceptions to this general obſervation. But in England, we have leſs to fear from the malignity of any diſtemper which may ariſe in the government, than from the unſkilfulneſs or the rapacity of the phyſicians; and of our conſtitution it cannot be unſafe to ſay, that *radically* it is *ſound and vigorous*, and that hitherto it has exhibited no very alarming ſymptoms of rapid decay.

The excellence of all governments, ſaid a great philoſophical ſtateſman (Mr. Fox), is relative. But

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to comprehend relations, where they are numerous, to ſeparate them where they are complex, and to adjuſt them where they are diſcordant, is the province only of a few enlightened men; and well does it become thoſe who may at any time undertake the ſtupendous work of reformation, to explore all the *difficulties* and all the *dangers* which hang over it, to purify their own minds from the polluting dregs of vulgar prejudice, and the intoxicating vapours of "ſcience, falſely ſo called," to judge of every queſtion without partiality, and to proceed in every meaſure without precipitation. I do not, indeed, believe thoſe who are now in power, with all their glittering talents and all their gallant profeſſions, to be *ſuch* men. But ſuch men may at this moment be found in this country with little difficulty, and, with little hazard of confutation, I could point them out by name.

> O yet a nobler taſk awaits your hand,
> (For what can war but endleſs war ſtill breed?)
> Till truth and right from violence be freed,
> And public faith clear'd from the ſhameful brand
> Of public fraud.

Upon the firſt peruſal of Mr. Burke's book, I felt, like many other men, its magic force; and, like many other men, I was at laſt delivered from the illuſions which had "cheated my reaſon," and borne me onward from admiration to aſſent. But, though the dazzling ſpell be now diſſolved, I ſtill remember with pleaſure the gay and celeſtial viſions, when my "mind in ſweet madneſs was robbed of "itſelf."

" itſelf." I ſtill look back, with a mixture of pity and holy awe, to the wizard himſelf, who, having lately broken his wand in a ſtart of phrenſy, has ſhortened the term of his ſorceries; and of drugs ſo potent to " bathe the ſpirits in delight," I muſt ſtill acknowledge, that many were culled from the choiceſt and " moſt virtuous plants" of Paradiſe itſelf. Dr. Parr.

That the maladies of France had reached almoſt the laſt ſtages of malignity, and threatened a ſpeedy diſſolution of all government, it were folly to controvert. The very act of calling the third eſtate, is a proof, that the paltry tricks of political cunning, and the ordinary reſources of political wiſdom, were quite exhauſted. The members of that aſſembly exceeded, I grant, the limits of their original commiſſion. But, after every hardy aſſertion, and every wily miſrepreſentation to the contrary, it ſtill remains to be proved, that, by confining themſelves within the limits of that commiſſion, they would have diſcharged all of the momentous duties for which they were appointed; or that, being diſſolved and ſent back to their conſtituents in conſequence of their avowed inefficiency, they would again have been ſummoned when inveſted with new powers, and probably for new purpoſes. If, then, the plea of neceſſity be admitted, as it often is, for occaſional relaxation, or occaſional rigour, in the courſe of *adminiſtering* governments, I ſee not why the ſame plea ſhould, in all caſes, be contemptuouſly ſcouted in the more arduous work of *reforming* them. Every great cauſe involves in itſelf ſome properties, which

Dr. Parr. cannot be yoked by the common forms of interpretation. Every great ſituation is attended by circumſtances too inflexible to be controuled by the authority of precedent. Were the repreſentatives of the Engliſh nation *commiſſioned* to introduce ſeptennial parliaments? No—But novelty has thriven to the full growth of cuſtom, and uſurpation has dropped its terrors under the ſanction of public acquieſcence.

With Mr. Burke I moſt heartily concur in admiring the prudence and the calmneſs of thoſe illuſtrious ſtateſmen who in this country conducted the revolution; and, in oppoſition to all the faſhionable complaints which have lately been urged againſt them, I am perſuaded, like Mr. Burke, that, by attempting to do more, they would have ſhaken the ſtability, and ſullied the luſtre, of that which they have already done well for themſelves and for poſterity. But the circumſtances of England and France, at the æras of their reſpective revolutions, were ſo different, that what in the one would have been raſh, may in the other be neceſſary. In England the throne was vacant: in France it was full. In England, the primary ſpring of all public meaſures was to ſupply the vacancy: in France, the heavy preſſure of the regal power clogged the firſt efforts of reformation, and the machinery of the prevailing ſyſtem was ſo complex, that neither patriotiſm nor policy could any longer regulate its motions. In England a bill of rights was prepared, which provided chiefly againſt

inſt ſuch diſorders as had ſprung up in a few Dr. Parr.
ceding reigns: in France the evil had grown
n age to age in bulk and in ſtrength; it had
ad through a wider range; it had borne more
eful fruit; the root of it ſtruck down to Tar-
ıs, and its top towered almoſt into the ſkies.
England the claims of the crown were reſented
ıſurpations, or dreaded as novelties: in France
y were ſyſtematized into principle, and ſanctioned
cuſtom. In England the miſchiefs which more
nediately called for a remedy, endangered a
ıd government: in France they almoſt conſti-
ed a government completely bad. In England
potiſm was an excreſcence, which deformed only
ſurface of the ſtate: in France it was a canker,
ich preyed upon the vitals. Upon the queſtion
ether James ſhould be recalled, or William
ed to the throne, the opinions and attachments
men were in England divided in proportions
ırly equal: upon the queſtion whether ſome
m or other of a new government ſhould be
nned in France, ſome experiment be made
ich the exiſting laws did not entirely warrant,
ne improvements attempted which muſt wear
: appearance of innovation, there was almoſt one
ırt and one voice.

All I mean to ſuggeſt by theſe remarks is, that
r. Burke has been leſs ſucceſsful than he uſually
in his choice of an inſtance to illuſtrate his ob-
tions to the new government of France. For,
his general opinion, upon the political and moral

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importance of caution and moderation, he commands my firm and moſt ſincere aſſent.

While Mr. Burke contends in favour of a limited monarchy, they who diſſent from him more widely than I do, exult in the proſpect of a mitigated and poliſhed democracy, veiled under the more decent aſpect of a mixed government. But, with a leaning, I fairly confeſs, in my wiſhes towards a *more ſolid ſubſtance, and a more magnificent form* of monarchy, than have lately appeared in France, I cannot ſubſcribe to the black catalogue of crimes which Mr. Burke has charged upon all the motives and upon all the meaſures of the national aſſembly, often without diſcrimination, and ſometimes, I think, without proof. The native candour of his own mind would not permit him to include *every* member of the aſſembly in his calendar of villany; and his exalted wiſdom ſurely will now induce him to confeſs, that in the virtues of a few there is ſometimes a latent and reſiſtleſs energy to curb the violence of the many. I have already enumerated ſome regulations, which, as a philanthropiſt, Mr. Burke may ſurvey without a pang; and which, as a loyaliſt, he may without a bluſh commend. But ſince the publication of his two great works, all Europe has been witneſs of an awful ſcene, in which the reformers of France have ſhaken off every odious imputation which may have clung to their characters as being unprincipled traitors, or unfeeling murderers. When good men ſhuddered at the poſſible conſequences of the capture of the French ſovereign;

overeign; when, by turns, amazement overwhelmed, and pity melted, the mind of every diſtant ſpectator; when the haughty and inexorable advocates for regicidal tenets ſhrunk on the nearer approach of that ſpectre of vengeance, which their imaginations had arrayed in the robe of juſtice; then it was that the genius of France aroſe, and led in its train all the virtues which adorn the citizen and the man; compaſſion, gallantry, generoſity, loyalty, a ſenſe of private honour, and a ſenſe of public duty. Then ſtarted up that determined phalanx of moderate men, whoſe wiſdom, and whoſe vigour, arreſted the impending ſtorm; whoſe interpoſition, I truſt, would again uphold the ſtate, if it ſhould again reel with any new convulſions; and whoſe influence, at this moment, ſilently controuls the jargon of viſionary demagogues, and the machinations of factious clubs. Theſe were men, ſuch as the unſettled and perilous ſituation of France required; men, whoſe virtues were ſet in motion, and in appearance brought into being, by the ſhocks of empires; and who, in the midſt of havock and diſorder, by their authority ſtruck down bad citizens with awe, and by their counſels huſhed the warring elements of paſſion and intereſt into peace. Dr. Parr.

They know the times and the ſeaſons. They have obtained a maſtery over thoſe petty and froward humours, which feſter in debate, and rankle in the cloſet. They ſoil not the purity and ſplendour of genius, by expoſing it too often to the gariſh eye of day. Diſdaining to chaſe the caprices of public opinion,

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opinion, and to catch the momentary gale of public favour, they ſeize the public confidence by force, and wield the public ſtrength by one mighty effort for one mighty purpoſe. They reverence their country in their laws, and their king they reverence for the ſake of both. Their moderation, aſſiſted by wiſdom and magnanimity, teaches them what to ſuffer, what to prevent, when to forbear, and when to interpoſe. Their importance, inſtead of being ſquandered upon the fleeting occurrences of the paſſing day, is hoarded up for great occaſions, where it may be felt as well as ſeen. Their courage is not diſſipated in wanton attack, but collected for firm reſiſtance. Their ambition is not tarniſhed by any baſe alloy of vanity. Their conſcious rectitude looks for its reward, not in the plaudits of a tumultuous ſenate, or of a giddy populace, but in the calm and approving judgment of diſtant nations, and of a grateful poſterity.

Happy were it for France, if, between theſe moderate men who do honour to the new government, and the more enlightened friends of the old, ſome communication could be opened, and ſome alliance effected. By mutual conceſſion, they might reconcile the jarring claims of the contending parties. By mutual forbearance, they might heal the wounds of their bleeding country. By uniting the influence of all good men, collected from all parties, they might cruſh the pretenſions, and blaſt the deſigns, of thoſe adventurers who would deluge France with ſlaughter, whether they be patriots plotting for anarchy,

anarchy, or loyaliſts ſtruggling for deſpotiſm. But ſuch an auſpicious change is hardly to be expected, while a Calonne broods over his intrigues, while a Bouillé hurls his menaces, and while the ſurmiſes and the reproaches of angry diſputants keep aſunder thoſe worthy perſons, by whoſe union alone that change can be accompliſhed. Dr. P.

It is not my deſign, be it obſerved, to engage as a profeſſed champion in the controverſy upon the affairs of France; and, indeed, I was led in this pamphlet, to the firſt mention of them, by perſonal rather than political conſiderations. Had I meant to appear as the antagoniſt or the advocate of Mr. Burke (and in any elaborate compoſition I muſt occaſionally have been both), I ſhould have felt it a duty to him and to the public to explore thoſe mines of political and hiſtorical knowledge, from which he and his opponents have drawn their materials. Some of the books containing that knowledge have fallen, perhaps, within the circle of my reading; and ſome portion of the information they contain, is not wholly beyond the graſp of my humble abilities. But I have touched, and I meant only to touch upon theſe topics incidentally. However, having ventured to expreſs ſome difference in opinion from a man eſteemed ſo virtuous and ſo wiſe, I thought myſelf bound, in one inſtance, to aſſign my reaſons; and with the ſame ſentiments of habitual reverence for the ſame eminent writer, I ſhall take the liberty of glancing at two other ſubjects, on which I have not the happineſs entirely to agree with him. The points to which I allude are, the

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indignant diſtinction which Mr. Burke has ſet up between theory and practice, and the ardent wiſh which he expreſſes for a combination of European potentates againſt the national aſſembly of France. What I have to ſay upon the firſt, will, I fear, be thought dry and unintereſting by many readers; while, in my opinion, every miſtake of ſuch a man as Mr. Burke deſerves ſerious examination, and derives an uncommon degree of importance from the uncommon and indeed the matchleſs talents of the writer himſelf.

Indolence often repoſes, and declamation triumphs, in vagrant propoſitions, which are repeated ſo frequently, and advanced ſo confidently, that to diſpute them carries the appearance of preſumptuous paradox. Thus we are told of many political maxims, that they are at once true in theory, and falſe in practice. But this union of truth and falſehood in the ſame doctrine, applied to the ſame ſubject, is impoſſible; and the allegation of falſehood, when the doctrine refers to different ſubjects, is wholly impertinent and abſurd. It ſhews only, that the doctrine does not include what it was never meant to include, without proving that what it does include deſerves the imputation of being falſe. All truth conſiſts in the relation of our ideas to each other, or in the conformity of thoſe ideas to external objects; and whereſoever that relation or that conformity exiſts, the ideas belonging to either are unalterably juſt; and the propoſition expreſſing thoſe ideas muſt for ever be true. If, therefore, a propoſition be true in theory,

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it muſt, if made up of the ſame ideas, be equally true in practice, real or ſuppoſed, where the practice is correſpondent to the theory; and where it is not correſpondent, no honeſt man would profeſs to argue without diſcrimination from the one to the other. Between propoſitions belonging to theory, and thoſe that belong to practice, there indeed is often a cloſe reſemblance, but not a ſpecific identity: and from that reſemblance, probably, ariſes the opinion, that what is true in one, may be falſe in the other. But in this caſe, the propoſition belonging to practice, and the propoſition belonging to theory, are diſtinct and independent. Each may be true, when applied to its proper ſubject; and each may be falſe, when applied to any other ſubject. The imperfection, however, lies not in the propoſition itſelf, but in the application; and the falſehood, to ſpeak correctly, is to be found, not in the principles of the theory, but in the aſſumption that ſome given caſe reſts upon the ſame principles. Mr. Paley has very ably ſhewn the dependence of our moral opinions and moral conduct upon general rules; and Mr. Hume juſtly obſerves, that the chief difficulty lies in the art of applying thoſe rules to the diſcovery of what is true, and to the obſervance of what is right in particular inſtances. Dr. Parr.

Now theory is a general collection of inferences drawn from facts, and compreſſed into principles. When, therefore, practice and theory are ſaid to claſh, we are not always to maintain that the theory is generally falſe; but, that it does not in-

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clude or provide for ſome particular caſe, to which it has been *erroneouſly* and injudiciouſly applied. The theory may be correct and comprehenſive, though inapplicable to ſubjects which prejudice or paſſion has aſſociated with it. Unuſual is it for men to ſay, that what is true in practice is falſe in theory; and yet this poſition, though leſs familiar to our ears, is not more inadmiſſible to our underſtandings than the converſe, that what is true in theory is falſe in practice. All practice may not be reduced to theory; but all theory, profeſſing to be founded upon practice, and claiming the right to *regulate* it, is true or probable, ſo far *only* as it is ſupported by experience.

Again, Mr. Burke ſays (pages 91, 92), that ſome modern theories upon the rights of men, "though "metaphyſically true, are morally and politically "falſe." But, aware as I am, in common with a great poetical dialectician (Dryden), and indeed with every novice in the art of logic, that "fallacies "often live in univerſals," I cannot accede to Mr. Burke's obſervation. True or falſe, are the expreſſions of the metaphyſical properties belonging to any propoſition upon the rights of men—Proper or improper, and juſt or unjuſt, are the expreſſions of the moral properties—Uſeful or pernicious, are the expreſſions of the political properties. In conformity to theſe diſtinctions, I ſhould ſay, that many parts of Mr. Paine's theory about the rights of men are falſe, when traced up into metaphyſical abſtraction; are unjuſt, when referred to moral obligations; are pernicious, when meaſured by political expediency;

liency; or, in other words, the theory itſelf is falſe, becauſe it does not correſpond to practice, which it profeſſes to regulate. But, while I reprobate ſome of Mr. Paine's opinions about the rights of man, I, like Mr. Burke (p. 86), do not in theory deny the exiſtence of man's rights; and in practice my heart is as far as Mr. Burke's or Mr. Paine's from wiſhing any one of his *real* rights to be with-holden. Dr. Parr.

Much, however, as in various inſtances I may condemn the language of Mr. Paine upon the rights of men, I cannot diſſemble my concern at the "dreadful notes of preparation," which have been lately ſounded by *kings* about the rights of kings.

The book of an individual has little or no weight, except what it derives from argument; and argument, if fallacious, may be refuted, or, if miſchievous, may be counteracted by better arguments in a better cauſe. But when kings proceed to harangue in public and official documents upon the rights of kings, they ſpeak in a tone of authority which is not to be ſlighted. The line of diſtinction is ſaid to be already drawn by two foreign courts, between kings and ſubjects, nay, between kings and men; between thoſe who have no right to govern but as they protect, and thoſe who are under no obligation to obey but as they are protected; between thoſe who neither govern nor protect the French, and thoſe who in France are governed and protected by laws of their own, and a king of their own.

For

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For now ſits expectation in the air,
And hides a ſword from hilt unto the point
With crowns imperial, crowns and coronets,
Promis'd to Louis and *their* followers.

SHAK. Henry V.

But, in oppoſition to all the pleas of interference from the other powers of Europe, let Frenchmen, ſays common juſtice, decide the affairs of France. *Bella viri pacemque gerant queis bella gerenda.*

For many of the French nobleſſe "who worſhipped," as Mr. Burke moſt beautifully ſays, "their country in the perſon of their king," and "whoſe blood," as Shakeſpeare ſays not leſs beautifully, "is fetched from fathers of war proof," I have a ſincere veneration. Nor would I haſtily and indiſcriminately condemn the principle by which ſome of *them* are actuated in attempting a counter-revolution. The end may be honourable, though the means are execrable, and would lead, in the preſent caſe, not ſo much to the re-eſtabliſhment of monarchy in France, as to the extirpation of freedom throughout Europe. In reſpect, then, to the menaces of foreign powers, I muſt ſay with Mr. Burke (p. 59), that "the arguments of tyranny are as contemptible as its force is dreadful."

After all the intrigues of politics, all the devaſtations of war, and all the barbarous exceſſes of deſpotiſm which diſgrace the annals of mankind, the black and lowering ſtorm which threatens ſoon to overſpread the face of all Europe, and to overwhelm

overwhelm in one common ruin every looſe remnant and every faint veſtige of liberty, conſtitutes a ſpectacle equally new and tremendous. Dr. Parr.

Even the tenets of Mr. Paine himſelf are yet leſs novel in theory, and yet leſs pernicious in practice, than the counſels of thoſe ſanguinary fanatics who would unbluſhingly and unfeelingly rouſe the unſparing ſword of foreign potentates, and point it without provocation, without precedent, without any other plea than will, without any other end than tyranny, againſt the boſoms of Frenchmen contending with Frenchmen alone, upon French ground alone, about French rights, French laws, and French government alone.

When it is urged, that princes from their relation to princes have a common cauſe, and a cauſe, too, it is *meant*, virtually paramount to the rights of ſubjects and of men, the obvious anſwer is, that they who are *not* princes have alſo a common cauſe; and the obvious conſequence of that anſwer is, that if they are true to themſelves, to their neighbours, and to their poſterity, confederacy is to riſe up againſt confederacy, and deluge the world with blood. Τὰς γὰρ τὰς πολιτείας καταλυούσας, καὶ μεθιστάσας εἰς τυραννίδα, κοινὰς ἐχθρὰς πάρα πάντων ὁμίζειν πάντων τῶν ἐλευθερίας ἐπιθυμούντων. (Demoſth. De Libertate Rhod.)

If indeed the threatened cruſade of ruffian leſpots ſhould be attempted, it will, in my opinion, be an outrageous infringement upon the laws of nations; it will be a ſavage conſpiracy againſt the written and the unwritten rights of mankind;

Dr. Parr. and, *therefore*, in the ſincerity of my ſoul, I pray the righteous Governor of the univerſe, the Creator of men, and the King of kings, I pray HIM to abate the pride, to aſſuage the malice, and to confound all the devices, of ALL the parties, directly or indirectly leagued in this complicated ſcene of guilt and horror! this inſult upon the dignity of human nature itſelf! this treaſon againſt the majeſty of God's own image, rational and immortal man.

As to myſelf, and to others, who, like myſelf, expreſs the terror and juſt abhorrence which they feel at this moſt unparalleled meaſure, when we are ſcornfully aſked, why we expreſs thoſe feelings, we ſhall find our anſwer in Mr. Burke's philanthropy oppoſed to Mr. Burke's politics (p. 9 of his Appeal): "Is it inhuman to prevent, if poſſible, the ſpilling of Frenchmen's blood, or imprudent to guard againſt the effuſion of our own," and in a cauſe, I will add, which, while Engliſhmen are Engliſhmen, never can be our own? For is it poſſible, that by the intrigues of courts, by the ſophiſtry of miniſters, or by the futile and hollow pleas of a guaranty in one place, and of alliance in another, the free-born deſcendants of free-born fathers can be perſuaded to endure one tax, to unſheath one ſword, to fall in with one meaſure, in oppoſition to the precious and ſacred intereſts of general liberty?

Μὴ δῆτα, μὴ δῆτ', ὦ θεῶν ἀγνὸν σέβας,
Ἴδοιμι ταύτην ἡμέραν. Æd. Tyr. ver. 830.

Unleſs our conſtitution be, as dying Brutus ſaid of virtue, "an empty name," by the very ſpirit of that conſtitution, and by the force of a compact more ſolemn and more binding than the ties of any treaty woven in any cabinet, Britons eminently are, what the Athenians profeſſed to be, the χαιροὶ προςάται τῆς πάντων ἐλευθερίας, the guarantees of freedom itſelf, and the allies of all free men, throughout all the world— Dr. Pan

> And, when they frown, it is againſt th' oppreſſor,
> And not againſt the French.
>
> SHAK. Rich. II.

The people of England, I am ſure, then, are too gallant to engage in a war againſt ſuch a nation in ſuch circumſtances. The parliament of England is too enlightened to approve of a war. The king of England is far too wiſe, too humane, too magnanimous, to propoſe a war.

But, warmly as I would oppoſe the project of Mr. Burke for the French monarchy to be reſtored by the exertion of kings, who, unleſs they have degenerated into tyrants, can have no real intereſt in its reſtoration, I ſometimes pauſe in uncertainty, and ſometimes ſhudder with fear, when the proceedings in France are holden up as a perfect model for imitation in England.

Different are the two nations in their manners and their prejudices, different in the privileges of their peerage, and in the rights of their commonalty;

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different in the power claimed, and the powers exerciſed by their kings; different in the forms of their government, and the principles of their conſtitution; different in their modes of religion, and even in their propenſity to irreligion, I hope, very different. Keen therefore would be my vigilance, and ſtubborn my reluctance, in applying to the affairs of England thoſe theories which are ſaid to have been purely and completely realiſed in the new government of France. But, attached as I am, firmly and unfeignedly, to the fundamental maxims of the Engliſh conſtitution, I muſt confeſs, that not one of the late publications has given me the ſatisfaction, which at this criſis I anxiouſly wiſh to receive. Some writers, I obſerve, have turned our attention only to the darker ſide of government, ſcaring us with evils, which, I truſt, have no exiſtence, foreboding evils, which, I hope, never will exiſt, and exaggerating evils, which every impartial man will acknowledge and lament. Others have affected to wrap up in artificial myſtery * all the powerful ties by which the government

* "A high tory," ſays Johnſon, "makes government unintelligible:" but I will quote the whole paſſage, becauſe I aſſent to almoſt every part of it, and becauſe there is no part which does not contain judicious remark, and uſeful information.

"A wiſe tory and a wiſe whig, I believe, will agree; their principles are the ſame, though their modes of thinking are different.

ment of the country is connected with its proſperity; and preferring the haughtineſs of dogmatiſm to the drudgery of proof, they would drive away the eyes of the profane from contemplating thoſe cauſes, which all have a right to examine, becauſe all are daily and hourly intereſted in their effects. But this kind of language carries with it neither the plauſibility of theory, nor the ſolidity of fact. Dr. Parr.

" different. A high tory makes government unintelligible; it " is loſt in the clouds. A violent whig makes it impracticable: " he is for allowing ſo much liberty to every man, that there " is not power enough to govern any man. The prejudice of " the tory is for eſtabliſhment. The prejudice of the whig is " for innovation. A tory does not wiſh to give more real " power to government, but that government ſhould have " more reverence. Then they differ as to the church.

" The tory is not for giving more legal power to the clergy, " but wiſhes they ſhould have a conſiderable influence founded " on the opinion of mankind: the whig is for limiting and " watching them with a narrow jealouſy." Page 400, Boſwell. I inſert this paſſage in conſequence of Mr. Burke's remark (page 113 of his Appeal), that the Britiſh conſtitution is of too high an order of excellence to be adapted to common minds. This ſurely reſembles what Johnſon ſaid of the tory. But between men of ſhallow and ſuperficial underſtandings, and men to whom Mr. Burke would allow wiſdom and reflection, there is a numerous claſs of citizens, whoſe doubts deſerve conſideration. Poſſeſſing a common ſhare of judgment, improved by the common advantages of education, they are not incapable of underſtanding " many of the views which our " conſtitution takes in, and many of the combinations which it " makes." They would recogniſe it, " with the leſs enquiring " in their feelings and their experience;" and, aſſiſted by ſuch profound thinkers as Mr. Burke, they would alſo " know it in " its reaſon and in its ſpirit."

Dr. Parr. It may confound, but it will never convince. It may lull men for a time into ſupineneſs and inſenſibility, but will neither gratify their curioſity, nor allay their terrors in the hour of danger. Unqueſtionably, the ſpirit of enquiry is gone forth; and my hope is, that it may take a right direction, and lead us, as well to value and to perpetuate the bleſſings which we *now* enjoy, as to obtain, through the *concurrence of good government with good citizens*, other and greater bleſſings, if, indeed, *other* and greater bleſſings are placed within our reach.

From the incidental mention of theſe ſubjects, which have been diſcuſſed by Mr. Burke and Mr. Paine, and upon which I would be underſtood to ſtate my opinions, without aſſigning the reaſons for which I hold them, I will take occaſion to inform the reader of the effect which I have felt from a third celebrated writer, to whom the attention of the public has been very much directed.

In the rapid and eccentric motions of Mr. Burke's mind through the vaſt and trackleſs ſpaces of politics, it often loſes the power of attraction upon my own; and as to Mr. Paine *, upon

* The part of Mr. Paine's book which intereſted and convinced me the moſt is, the very able narrative which he gives of the progreſs and circumſtances of the revolution at Paris: but I cannot ſuffer "one truth," as Dryden ſays, "to ſupport a "thouſand lying rhymes" upon abſtract politics. I recogniſe in Mr. Paine, a mind not diſciplined by early education, not ſoftened and refined by a various and extenſive intercourſe with the world, not enlarged by the knowledge which books ſupply; but

upon my firſt approach towards him, I was inſtantly repelled to an unmeaſurable diſtance, and for Dr. Parr.

but endowed by nature with very great vigour, and ſtrengthened by long and intenſe habits of reflection. Acute he appears to me, but not comprehenſive; and bold, but not profound. Of man, in his general nature, he ſeems only to have graſped a part, and of man as diſtinguiſhed by local and temporary circumſtances, his views are indiſtinct and confined. His notions of government are therefore too partial for theory, and too novel for practice, and under a fair ſemblance of ſimplicity conceal a maſs of moſt dangerous errors.

> For dignity compoſed and high exploit
> He ſeems. His pen can make the worſe appear
> The better reaſon. But his thoughts are LOW.

In plain truth, I underſtand more by the Engliſh word "crown," than "a bawble kept in the Tower to be ſhewn for "twelve-pence;" nor do I conſider ariſtocracy "as having but "one child; as begetting the reſt to be devoured, and then "throwing them to the cannibal for prey." The parent, whom Mr. Paine deſcribes as ſo unnatural, is at leaſt an affectionate nurſe during the infancy of her offspring: ſhe feeds it carefully, and clothes it warmly, before ſhe turns it looſe into the wide world. But to drop figurative language, the younger children of our nobility receive the ſame liberal education with the elder; and to me it ſeems, that, inſtead of ſubdividing in all caſes a large fortune among thoſe whom Mr. Paine's law would make equal, but whom nature has not made equal in corporeal and intellectual ſtrength, and whom the equal expectation of independence would, according to their different capacities, make yet more unequal, it were better policy for them to be truſted with the creation of their own fortune, by their own merits in the army, in the navy, in the church, and at the bar. Perhaps in a commercial country it were well, if the old feudal

Dr. Parr. for a time was content to view him, as philoſophers look through a teleſcope at ſome dim and ſullen

prejudices of the nobleſſe againſt commerce were extirpated, as partnerſhip would ſupply the want of a large capital, and the families of nobility would gradually be blended in opinion and intereſt with the induſtrious claſſes of the community. But, without the aid of formal diſcuſſion, one plain tale ſhall put down Mr. Paine's ſtrutting metaphor. Mr. Fox and Mr. Pitt are the younger ſons of noblemen. As to the prieſthood, I have ſeen it ridiculed with wit much keener than Mr. Paine's in the works of Trenchard and Gordon, and with eloquence more magnificent than Mr. Paine's, in the proſe writings of Milton. I mean not, however, to palliate the prejudices of the clergy; and my opportunities for obſerving their cauſes and their effects have not been fewer, I ſuppoſe, than Mr. Paine's. But I alſo know their perſonal virtues; I know their uſefulneſs in ſociety; I know that in this country, they, upon the whole, are a moſt enlightened and valuable order of citizens; and in ſaying ſo, I am not influenced by ſelfiſh motives, as Mr. Paine would probably allow, if he were acquainted with the obſcurity of my eccleſiaſtical ſtation, and the ſcantineſs of my eccleſiaſtical income. I am not well enough informed about the internal ſtate of America, to determine how far Mr. Paine's opinions may be uſeful there in a naſcent government. But when I conſider the progreſs of arts, ſciences, literature, politics, law, and religion in the ſettled governments of Europe, I ſuſpect, that by the plan of Mr. Paine, inſtead of advancing to a more improved ſtate of ſociety, we ſhould find ourſelves retrograde towards that ſituation, which is commonly called a ſtate of nature; or, at leaſt, that we ſhould ſacrifice many of the brilliant and indiſputable advantages which make us boaſt of living in a civiliſed and enlightened age. Quotation is my trade, and therefore I will not ſuppreſs ſome lines, which I once applied to the American reformers of Engliſh politics.

Proteſt

ſullen planet whoſe orbit is at the remoteſt extremity from the centre. But in the middle and more temperate path which Mr. Mackintoſh has generally purſued, I could often accompany him with pleaſure; for, like the earth in the ſolar ſyſtem, he ſeems neither to approach too near to the dazzling fountain of light, nor to recede from it too far. My friend, for I have the honour to hail him by that ſplendid name, will excuſe me for expreſſing in general terms what I think of his work. Dr. Parr.

In Mackintoſh, then, I ſee the ſternneſs of a republican without his acrimony, and the ardour of a reformer without his impetuoſity. His taſte in morals, like that of Mr. Burke, is equally pure and delicate with his taſte in literature. His mind is ſo comprehenſive, that generalities ceaſe to be barren, and ſo vigorous, that detail itſelf becomes intereſting. He introduces every queſtion with perſpicuity, ſtates it with preciſion, and purſues it with eaſy and unaffected method. Sometimes, perhaps, he may amuſe his readers by excurſions into paradox; but he never bewilders them by flights into romance. His philoſophy is far more juſt, and far more amiable,

Protect us, mighty Providence!
What would theſe madmen have?
Firſt they would bribe us without pence,
Deceive us without *common ſenſe*,
And without power enſlave.

Theſe lines were written in 1680, and are worth remembering in 1792.

than

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than the philoſophy of Paine, and his eloquence is only not equal to the eloquence of Mr. Burke. He is argumentative without ſophiſtry, fervid without fury, profound without obſcurity, and ſublime without extravagance.

My friend, I am ſure, does not ſuſpect me of wiſhing for the return of "that prieſtly craft, and "prieſtly domination, which would certainly replunge Europe into ignorance and ſuperſtition." But he will excuſe me for pronouncing a *moſt decided and a moſt unqualified negative* to the aſſumption of the national aſſembly, that "the exiſtence "of ranks * is repugnant to the ſocial union."

On

* Mr. Mackintoſh does not forget, that in the Roman republic there were diſtinctions of rank not merely among the patricians, knights, and plebeians, but among the nobiles and novi. "Hereditary characteriſtics attracted the attention of "mankind in ſome degree under all the ancient governments." —Dunbar on the Hereditary Genius of Nations. See Dr. Taylor's Elements of Civil Law, p. 179.

Among the Lacedæmonians there were perſonal diſtinctions of rank, though not hereditary, and the Greek word exactly correſponds with our Engliſh word peers. See Xenophon. Hellenic. lib. iii. cap. 3, p. 35. edit. Xunius, where the note is worth conſulting. See alſo Palmerii Exercitationes, p. 69.

Mr. Hume in his Eſſays has often obſerved the ſimilarity between the French and the Athenians; but he did not expect that in ſo few years after his death ſo ſtriking and new an inſtance of reſemblance would ariſe, as we have lately ſeen, in the language of the public aſſemblies—Frenchmen, is now the ſimple and dignified mode of addreſs in the national aſſembly, like Men of Athens, in the Greek orators.

But the mode, in which they often addreſs the king of the French,

"On the contrary, I am perſuaded that hereditary as well as perſonal diſtinctions may, *under a wiſe legiſlature*, become the inſtruments of public good; and that, without bringing back the rude ſtate of ſociety, which gave riſe to the nobility of Europe, a principle of virtuous action, already excited (for I contend that it is excited) by the feudal inſtitutions, may be adapted to the exigencies of a more enlightened and more civiliſed age. Dr. Parr.

Again, I totally differ from my friend upon the origin and the tenure of eccleſiaſtical property, and in his deſcription of eccleſiaſtics as mere penſioners of the ſtate. He knows me too well, I am ſure, to impute this diſſent to the weakneſs and the ſelfiſhneſs of profeſſional prejudice. But theſe, and a few other defects, if defects they be, are loſt in the blaze of general excellence; and they who reflect upon the juſt and luminous compariſon which Mr. Mackintoſh has drawn between the peers of France and thoſe of England, may, upon farther conſideration, be led to *other* ſolid and uſeful diſtinctions, upon other momentous and awful topics.

My meaning will be underſtood when I ſay,

French, reminds me of the words which the grand juſticiary, r head of the Ricos Hombres, was content to uſe *once* to the ing of Arragon. "We, who are your equals, conſtitute you ' our lord and king, on condition that you maintain our pri- ' vileges and liberties; if otherwiſe, not." Vide Millot's lements of General Hiſtory, vol. i. p. 195; and Sidney's Diſ- ourſes, chap. 2, ſect. 5.

that

Dr. Parr. that I prefer two independent houſes for legiſlative deliberation to one, and that in a king with the ſubſtance of the executive power, will be found a better guardian of the public weal than in the mockery of a pageant king with little more than the ſhadow.

My opinions upon the ſacred duties and the venerable privileges of an Engliſh king, nearly coincide with thoſe of Mr. Rous, and I am happy in this opportunity of acknowledging the pleaſure I received from his late excellent letter to Mr. Burke. I am, however, compelled to diſſent from this very judicious and patriotic writer, upon the extent to which he would ſtretch his principle of excluding the members of the legiſlative body from all ſhare whatſoever in the duties and the emoluments of the executive government. I grant, indeed, that the more uſeful duties in the lower departments are well enough diſcharged by men "formed by the routine of office." But I cannot admit, that the higher departments ſtand in no need of "minds ſplendidly endowed," or that, when ſuch minds engage in public affairs, "their paths are *ever* marked with ruin." Great revolutions have uſually been achieved by men of great abilities; but their ſucceſs in turbulent periods is to be imputed to previous circumſtances, and thoſe circumſtances gradually ariſe from the want of wiſdom in perſons who have directed the affairs of government in ſeaſons of apparent tranquillity.

"To

"To ſettle the imaginary balance of power, to impoſe a form of government upon one reluctant people, to adjuſt the limits of dominion to another," are ſurely not the *ſole* employments for which an Engliſh adminiſtration is deſtined. That the attention of our preſent governors has been too much directed to theſe narrow and miſchievous objects; that their meaſures, whether ſucceſsful or defeated, have been at once expenſive without advantage, and oſtentatious without glory; that they have multiplied our taxes without extending our commerce, and have *diſplayed* our ſtrength without increaſing our ſecurity, I readily allow. But, whilſt government embraces the affairs, not of Great Britain only, but of Ireland, and of thoſe remote colonies which it ſeems equally difficult to keep and dangerous to abandon; whilſt there is a *real* as well as an imaginary balance of power, which every ſtate muſt be concerned in preſerving againſt the encroachments of every other ſtate; whilſt our domeſtic councils muſt, for the ſake of our domeſtic ſafety, be ſometimes engaged in watching the crooked machinations, and in curbing the reſtleſs ambition of foreign powers; whilſt France is ſtruggling for freedom, and other nations, after the example of France, ſeem diſpoſed to ſhake off the yoke of deſpotiſm; whilſt our public debt is ſo heavy, and our public intereſts are ſo complex and ſo extenſive, the talents which, under ſuch circumſtances, aim only at "giving protection to a people," ought to be of Dr. Parr.

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no common order. Such, indeed, is the unquiet and, I believe, unprecedented ſtate of Europe, ſo dark are the views, ſo mighty are the preparations, ſo diſcordant *will be* the *ultimate* intereſts of the European powers, that it is impoſſible to name a period, in which there was greater occaſion for the greateſt talents in all the branches of our own government, whether legiſlative or executive.

No general propoſition can be more evident, than that without talents of conſiderable magnitude in the perſons to whom the taſk of governing is committed, government itſelf cannot be either reſpectable or ſafe; it cannot, for a long time, direct the public opinion. It cannot employ the public ſtrength to purpoſes of public utility. I will add too, that in a free government like our own, talents, if confined, as we have lately ſeen them, to one miniſter, are big with danger, though, if diffuſed through the various members of adminiſtration, they would give greater energy and greater dignity to every meaſure. Surely, it is not the exceſs of abilities in one quarter, but the want of abilities in many quarters, to which every impartial obſerver will aſcribe our late diſaſters in war, and our preſent diſtreſſes after a long, though moſt precarious and unſettled, peace. To do evil is more within the reach of every man, in public as well as in private life, than to do good. And if perſons of "ſecondary talents" alone be intruſted, as Mr. Rous wiſhes them to be, with the executive government, low ambition and low cunning,

cunning, "wielding the armies and navies of the "ſtate," would too often baffle the efforts of that legiſlative band in whom wiſdom is combined with magnanimity. Dr. Parr.

In the preſent condition of the world, good men may indeed wiſh, but wiſe men will rarely hope, for ſuch a kind, and ſuch a degree, of public ſpirit, as ſhall in men of diſtinguiſhed abilities be *wholly* ſeparated from views of perſonal intereſt. If, indeed, the ſeparation were effected, competition for popularity might ſplit the ſenate into parties more powerful, and in the end more factious, than thoſe which are formed by competition for office; and the favour of the people would *eventually* become a more dangerous ſource of influence, than the favour of the ſovereign himſelf. In their appeals to the public judgment, men in all popular ſtates have been "em-"barraſſed with preconceived plans of perſonal "ambition," in the *mildeſt* "acceptation of the "term," and the greateſt talents have been "em-"ployed" ſometimes "in teaching the way of truth," but much oftener "in perplexing, in confound-"ing, and in ſpreading a deluſive cloud before "the eyes of nations." This, indeed, would not have happened, if "their hearts had been purely "devoted to the public intereſt:" but experience forbids us to look for perfection in any number of public men.

Let me not, however, be ſuſpected of inſinuating, that men of tranſcendental ability preſs

to

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to the brink of corruption with a more rapid career, than thoſe who excite leſs envy becauſe they command leſs admiration. On the contrary, the more natural *tendency* of great intellectual endowments is, to reſcue the heart from the dominion of coarſe and ſelfiſh paſſions, and to fix it upon treaſures leſs ignoble and leſs periſhable than paltry pelf, which may be amaſſed without excellence and poſſeſſed without dignity. Even in the ordinary *effects* of thoſe endowments we ſee a delicacy and elevation of ſentiment, a habit of ſelf-reſpect, a capacity for ſelf-denial, by which men are happily preſerved, at leaſt from *very* ſervile compliances and *very* atrocious crimes. To ſuch men, the conſciouſneſs of high merit filling the wide expanſe of high ſtation, the homage of the opulent, the powerful, and the noble, the muſic of popular applauſe, the anticipation of glory in ages yet unborn, nay, the immediate buſtle of action itſelf, ſupply gratifications far too exquiſite to be felt by the ſordid ſlaves of avarice, the grovelling drudges of office, and the venal tools of power. While, therefore, public employments, in which the love of lucre is purified by the love of honour, are conferred upon public men, it can be no diſgrace to individuals, that genius ſhould not renounce the diſtinctions to which patient induſtry, ſuperficial attainments, and even the mere mechaniſm of intellect, are permitted to aſpire; neither can it promote the general good, that they who are capable of achieving the leaſt, ſhould be excluſively

exclusively invested with the privilege of receiving the most. Dr. Parr.

For my part, when I consider the general constitution and operations of the human mind, I am content to derive from the mingled frailties and excellencies of men, those effects which hitherto have not been produced by the influence of firm and steady virtue alone; and I sometimes rejoice to see the impetuosity of rampant ambition restrained by a concomitant passion, which looks, indeed, more *immediately* for gratification in less brilliant objects, but which clears off much of its own impurity by habitual association with passions of a higher order. When I farther consider the peculiar and distinguishing circumstances of our own country, I am not sorry to find, that through exertion in parliament is laid open an avenue to that public confidence, which usually concurs with causes less honourable in exalting men to employments in the state. But if the profits and the honours of political departments were quite inaccessible to men who would erect their fortune on the basis of their fame, those talents which now range through the wide field of politics would droop and languish in the *humbler* cells of office; or, being devoted to the views of the sovereign alone, they would be exerted in their *utmost force*, with little controul from the opinions, and little regard to the interests, of the people.

No institutions of man, however solid in their fundamental principles, and however beneficial in

Dr. Parr. their general tendencies, can be fenced againſt the incurſions of contingent evil. The advantages even of the beſt regulated monarchy are expoſed to ſome interruption from the inflexible, but moſt ſalutary rule of hereditary ſucceſſion. Yet, the perſonal defects of ſucceſſors may be compenſated by the choice of miniſters, who have ſkill "to un- "fold the drift of haughty and hollow ſtates," "to ſettle" the conditions of "peace," "and to "move the main nerves of war in all its equi- "page." On the other hand, if men of ordinary talents and ordinary powers huddle around the throne, they whom Bolingbroke calls the "lumber of every adminiſtration, and the furni- "ture of every court," will ſnatch ſome favour- able opportunity of ſeizing upon the higheſt offices. But the crown itſelf, exchanging efficient miniſters for agreeable favourites, will be unable to protect the rights of others, or to preſerve its own. It will be equally unprepared againſt the trea- cherous calm and the ſcowling tempeſt. It will ſubſtitute ſuſpicion for vigilance, obſtinacy for ſteadineſs, and laxity for moderation. It will neither accommodate itſelf to the gradual changes, nor ſupport itſelf under the ſudden revolutions of public opinion. Its ſpirit will at one time be ab- ject, and at another ſupercilious. Its councils will be intricate or wavering, and its meaſures either languid from debility, or violent from unſkilful- neſs. In the mean time, the errors of the ſove- reign himſelf will not be corrected, his paſſions will

ıot be controuled, his caprices will be cheriſhed Dr. Parr.
ıd of being overawed, his weakneſſes will ren-
ıim a dupe to the craftineſs of his ſervants,
even his wiſdom, or his virtues, will point him
ıs an object of their jealouſy.

'hile, however, I contend for that rare com-
:e which gives and takes a luſtre from the
ıe, I allow, with Mr. Rous, that " legiſlation
a very proper ſcene for great talents, and that
e ſcience of giving protection to mankind is
ɔrthy to fill the moſt extended life."

ıt my wiſh is, that the public duties may be
arged by the ſame men in their legiſlative
executive capacities, becauſe my opinion is,
by the concurrence of their general intereſts,
duties will, upon the whole, be diſcharged
effectually. Doubtleſs, the ſenate, like the
ted firmament of heaven, ſhould be ſtudded
ſtars that twinkle, and ſtars that blaze, of
r ſize, and in every direction. But if, in our
ical ſyſtem, the crown may, with any ſem-
ce of propriety, be compared to Jupiter, the
ɔf planets in magnitude, let it not be made
eaſt in glory, nor deprived of the radiance it
borrow from its ſatellites.

appy ſhould I be, if the catalogue of uſeleſs
expenſive places in this kingdom were much
lged; if the number of placemen eligible to
ament were fixed by parliamentary authority
; if the offices they ſhould be capable of
ing were ſpecified by ſome known and ſtand-

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ing rule; and if thoſe offices were confined, ſtrictly confined, to the moſt active, the moſt uſeful, the moſt arduous, and, therefore, with juſtice the moſt profitable parts of the executive government. But as for the total ſeparation for which Mr. Rous contends, and for which I remember myſelf to have been an advocate ſome years ago, I deſpair of ſome of the good conſequences which he has deſcribed with generous enthuſiaſm, and I foreſee ſome bad conſequences which have eſcaped even his keen penetration. While the crown has many emoluments to beſtow, there will be many candidates; and among thoſe candidates *ſecret* rivalry would be more dangerous, becauſe more baſe, than a rivalry which is more open, and, therefore, reſtrained by ſome ſenſe of ſhame. Speciouſly as placemen may betray, they receive their reward notoriouſly; and, therefore, the public eye is turned towards them with jealouſy, nor will public indignation be wanting to hunt them down with infamy, when their apoſtacy from principle becomes flagitious. Though our ſenators were themſelves thruſt out of office, influence might yet exiſt, while they have uncles and nephews, while they have ſons legitimate and ſons illegitimate, while they have flatterers and dependents. And who knows but that, like a river forced out of its uſual channel, and ſpreading itſelf through many ſmaller and more hidden ſtreams, political corruption might gradually find its way to rapacious courtezans, to imperious matrons, and

That

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That ſtore of ladies, whoſe bright eyes
Rain influence, and judge the prize
Of wit and arms?———

At all events, the corruption which now cir-
ılates among the members of parliament would
: diffuſed more widely among their conſtituents,
d this ſurely would be to change a great evil for
greater. The ſenator is now a mixed character.
e acts under a ſenſe of different obligations, or,
leaſt, from the impulſe of different intereſts, all
which in their turn prevail. His attachment to
e crown is in ſome meaſure controuled by re-
onſibility to his conſtituents; and there are ſitua-
ıns, in which he is compelled to do homage to
ıblic opinion, in order to ſecure the power of
atifying his private avarice. But the conſtituent
not ſubject even to this imperfect controul.
ight is the degree, and few are the occaſions,
ɔon which he feels reſponſibility to the country
large; and, if bound by perſonal intereſt to
pport the favourite meaſures of the crown, he
ill be diſpoſed to elect ſuch repreſentatives as
ill ſecure to him the wages of his own corruption.
If the houſe of lords be not included in the re-
ılation propoſed by Mr. Rous, it would ſeize,
:rhaps, a monopoly of public profits, it would
: more and more diſpoſed to ſupport the claims
the crown againſt the rights of the people, and
ould grow at once in ſtrength and in corruption.
ɲ the contrary, if it *be* included in that regula-

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tion, the effects, in a *mixed* government like our own, would be very formidable. The peers, being a fixed body, would ſilently collect ſuch a firm and compact maſs of independence, as at ſome moment might weigh down the balance either againſt the crown or againſt the people. The houſe of commons is, indeed, a fluctuating body; but, if its counſels were in no degree influenced by the offices in the diſpoſal of the crown, it would, in my opinion, ſometimes riſe too high, and ſometimes ſink too low, in the ſcale of national importance.

Great virtues are uſually the offspring of great occaſions. Upon the firſt eſtabliſhment of a government, the ſenſe of public duty may be a ſufficient motive of action, and animate the honeſt ambition of thoſe who mean well to their country. But, in the ordinary courſe of human affairs, motives of leſs purity, and leſs vigour, will have their ſhare in guiding the deliberations of every legiſlative body; and therefore I call that form of government the beſt, which meets men as they really are, and which, controuling by various means all their various principles, converts them ultimately into inſtruments of the public good.

Much has been ſaid upon the excellence of our conſtitution, in the independence which it eſtabliſhes among the component parts of our government; nor can it be denied, that in ſome degree they are, and in a great degree they ought to be, independent. But in practice there is a real and an intimate connection between them,

which

which produces its good as well as its bad effects; and a theory balancing thoſe effects is, I believe, at preſent a deſideratum in the politics of this country. Inſtead, therefore, of conſidering them merely, or even chiefly, as mutual checks, I have of late been accuſtomed to view them as wheels facilitating the motion of each other in a vaſt and complicated machine; and into this train of thinking I was led by ſome profound and original obſervations, which Mr. Fox has occaſionally dropped in parliament, and which ſhallow men have been diſpoſed to impute to the perverſeneſs of oppoſition, or the wantonneſs of paradox. But if Mr. Burke, in his projected treatiſe on the government of England, ſhould erect a firm and a ſtately pyramid for the preſervation of his own fame, from the ſummit of that goodly fabric we may hope to ſurvey, under one diſtinct and capacious proſpect, thoſe ſplendid ſcenes which hitherto have been ſeen only in broken and diſorderly parts, and by a dim and tranſient glimpſe. In the mean time, I am compelled to allow with Mr. Hume, that the intereſt of the legiſlative body (which, by the way, I in ſome reſpects diſtinguiſh from the intereſt of the people) is reſtrained by the intereſt of individuals, and that the houſe of commons ſtretches not its power, becauſe ſuch an uſurpation would be contrary to the intereſt of the majority of its members. "The crown," ſays he, "has ſo many offices at its diſpoſal, that, when "aſſiſted by the honeſt and diſintereſted part of the

Dr. Parr. " houſe, it will always command the reſolution of " the whole, ſo far, at leaſt, as to preſerve the " ancient conſtitution from danger. We may, " therefore, give to this influence what name we " pleaſe. We may call it," and ſometimes we may juſtly call it, " by the invidious appellation " of corruption and dependence; but ſome degree " and ſome kind of it are inſeparable from the " very nature of our conſtitution, and neceſſary " to the preſervation of our mixed government." The difficulty, no doubt, lies in adjuſting that degree; and here I confeſs, that " extraordinary " efforts will be required to ſupport our free go- " vernment under thoſe diſadvantages," which Mr. Hume ſeems to apprehend " from the immenſe " property of which the crown diſpoſes, from the " increaſing luxury of the nation, from our prone- " neſs to corruption, from the great power and " prerogative of the crown, and from the com- " mand of ſuch numerous military forces." To grapple with theſe difficulties ſucceſsfully, requires an equal portion of honeſty and of talent, in the executive and the legiſlative parts of our government, an equal ſpirit of moderation to concede, and of firmneſs to retain, an equal capacity for diſcerning what may be conceded without diſhonour, and what may be retained without danger. But they who would remove every exiſting and every approaching evil by thoſe ſimple and more popular forms of government which have lately been propoſed, would do well to conſider, that by graſping

at

it too much they run the hazard of loſing what may be attained without any violent convulſion * of the ſtate. "Such is the nature of novelty," ſays the philoſopher above mentioned, "that, when "any thing pleaſes, it becomes doubly agreeable, "if new; and, if it diſpleaſes, it is doubly diſ- "pleaſing upon that account." Now, the tide of public opinion has of late years been turning faſt towards monarchy; and they who would force it back with exceſſive and ſudden rapidity to the ſide of democracy will, I fear, aggravate and perpetuate the miſchiefs which they profeſs to avert. Dr. Parr.

The metaphyſical opinions which in this country floated upon the public mind during the war with America, eventually took a ſtronger hold upon the fears, than upon the judgment, of well-meaning and well-informed men, and diſpoſed them to throw themſelves back upon the protection of the eſtabliſhed government with all its acknowledged faults, inſtead of chaſing remote or ideal

* My dread is not from ſyſtems themſelves, but from the want of wiſdom, and the want of moderation, in thoſe who would haſtily and indiſcriminately drag them into practice. In the dreadful moments of public convulſions, experiments even of the moſt hazardous kind are not always unavoidable. But, at preſent, ſuch is the peaceable ſituation of our country, ſuch are the comprehenſive principles of our own conſtitution, and ſuch the ſalutary prejudices, as well as the ſterling good ſenſe, of our own countrymen, that we may juſtly look for thoſe ſolid and permanent advantages which ariſe from the full maturity of moral cauſes, in the purſuit of which the zeal of reformation ought to be corrected by the calmneſs of philoſophy.

advantages,

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advantages, at the hazard of tumult and with the certainty of innovation. They have reconciled us to the transfer of royal favour and public confidence, from the ſteady friends of the people, to the haughty, and at the ſame time the inſidious, miniſters of the crown. They have effected the portentous exchange of jealouſy in the cauſe of freedom, for an indolent and even a ſervile indifference to the ſilent, though progreſſive, increaſe of that power, from which Mr. Hume predicts the euthanaſia of the Britiſh conſtitution—a power, of which "the diſcontinuous wounds," like thoſe of ſome "ethereal ſubſtance," are quickly cloſed and quickly healed, and which ſurviving alike the gradual decay and the ſudden extinction of opinions, of cuſtoms, of religions, and of laws, ſeems by the irrevocable decree of nature herſelf to be deſtined for immortality.

In reſpect to the project of Mr. Rous, I would be underſtood to diſapprove, not of the principle itſelf, but of the extent in which he would apply it; and the preſent condition of France confirms me in that diſapprobation. By an undiſtinguiſhing and intemperate eagerneſs for the attainment of that perfection, which metaphyſical writers have holden up to the admiration of a lively and gallant people, the government of France has been ſtripped of many ſolid ſupports, and decorated with ſome ornaments, which to me appear cumberſome and fantaſtic. When the inteſtine and external dangers which threaten France ſhall be happily removed,

noved, I flatter myſelf, that the government will gradually retire from thoſe extremities to which it has been puſhed by the ardour of experiment, by the violence of the prevailing party, by the neceſſity of ſpreading before the people the allurements of novelty, and by the yet ſtronger neceſſity of leaving no power in the hands of thoſe who were bigotted in their attachment to the old and eſtabliſhed principles of monarchy. But the jealouſy now ſubſiſting between the members of the national aſſembly and the miniſters of the crown; the embarraſſments which thoſe miniſters muſt ever meet in conducting the buſineſs of an extenſive empire, under the reſtraints of an immediate and moſt irkſome reſponſibility; the tried, and, it ſhould ſeem, the acknowledged impropriety of public diſcuſſion upon many ſubjects of political detail; the neceſſity of referring thoſe ſubjects to committees, which, after the fervour of novelty has cooled, will always be expoſed to ſecret management and indirect corruption; the difficulty of obtaining official information, and the yet greater difficulty of enforcing ſpeedy, vigorous, and faithful execution—all theſe circumſtances conſpire in convincing me, that the attempt has been made in France without ſucceſs, and that the theory of a total ſeparation between the legiſlative and the executive bodies is falſe; becauſe, it is either incapable of being reduced to real practice, or, if practiſed, is injurious to good government. As to reſearches into the truth of that theory,

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Dr. Parr. theory, merely *ex hypotheſi*, I ſhould read with pleaſure the arguments by which ingenious men might ſupport it, if they would fairly warn their readers, that they are writing like Plato in his Republic, or like More in his Utopia. In the inveſtigation of phyſical cauſes, we depend much upon accident; the proceſs of experiments themſelves is ſlow, and the general concluſions to which they lead, long remain doubtful. But the force of moral cauſes lies more nearly within our reach; and there can be little hope of moral improvement, unleſs that force in all its various directions, and all its intricate combinations, be calculated again and again, and preſented to the views of thoſe who can bring it into action. Unhappily, the greater part of ſuch men as govern the affairs of the world, are ſeldom trained to habits of inveſtigation; and for this reaſon it is, that I maintain the neceſſity of high intellectual attainments in thoſe who are to execute, as well as in thoſe who are to controul, the councils of nations. For, amidſt the fluctuating tempers and the varying intereſts of large communities, greater or leſs opportunities for practical application will ariſe, when the moſt accompliſhed ſtateſman will find himſelf enlightened by conſulting the ſtorehouſe of abſtract ſpeculation. Conducted as theory ſometimes is, by men of ability and virtue, by a Locke, a Sidney, and even a Harrington, it is of general uſe, becauſe it incidently throws ſome portion of light upon the real conduct

of

of men, and the real intereſts of ſtates. Thus, I grant that Mr. Rous has unfolded a moſt ſalutary principle; and ſure I am that he will not be offended with me for endeavouring to give it a more ſure and permanent effect, by ſalutary reſtrictions. Dr. Parr.

Now, whether my opinion about the governments of France and England be well or ill founded, I certainly had no concern with thoſe meetings for commemoration, which have been the objects of ſo much acrimonious invective, and the ſource, in my neighbourhood, of ſo many ſhocking depredations. I did not believe them to be illegal, but I thought them indiſcreet; and therefore, without the ſmalleſt heſitation, and in the ſtrongeſt terms, I more than *declined* two indirect ſorts of invitation which had been ſent to me from two different quarters. It is not for me either to juſtify, or to condemn, other men who acted from other motives. But, for my part, I was unwilling by any public overt-act to encourage raſh and inconſiderate perſons in *confounding* the events in France with the condition of England. I diſdained to debaſe my character as a citizen and as a clergyman, by the ſlighteſt appearance of indecorum. I ſhrunk from the thought of irritating thoſe paſſions, which it is my duty alike to aſſuage by precept and by example. While, however, I accede to the obſervation of Mr. Hume, that in the conflict of public opinions the moſt moderate are generally the moſt wiſe, I know, by my own melancholy experience, that they are not always the moſt ſafe.

Dr. Parr. When " pity," as Antony ſays, " is choked with " cuſtom of foul deeds," in vain would an honeſt man plead, " I am not Cinna the conſpirator." " It is no matter," would the bigot and the rioter exclaim, " his name is Cinna, tear him, tear him; " come, brands, ho! fire-brands."

Dr. WILLIAM THOMSON.

THOUGH Mr. Mackintoſh has done me the honour of quoting me twice in his book, I confeſs I am more than half inclined to doubt whether the publication of all his political tenets, in the preſent fermentation of men's minds, is to be defended on the ground of political expediency or advantage. I know the mildneſs of his diſpoſition, and the purity of his intentions—I readily agree with you, that he is by no means ſo rude and undiſtinguiſhing a reformer as Paine! that his principles are more recondite, and his language much more proper and poliſhed: yet there is in his, as in moſt of the books of reformation that I have ſeen, a hardier air of innovation, I think, than a common parent would hazard in the arrangement of ſo numerous a family. For, in all moral changes, the remote and unforeſeen conſequences are of much more importance than the immediate effect. A catalogue of great events produced by trifling cauſes, forms one of the moſt intereſting and inſtructive little works (if a leſſon of great humility may be deemed inſtruction) to be found in any language. Letter to Dr. Parr.

An architect builds a houſe in the moſt perfect ſymmetry, becauſe he has to do with dead things: with wood, and ſtones, and other inert and paſſive materials! But the ſouls of men, with which the ſtateſ-

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ſtateſman has to do, are living ſpirits. Theſe are materials which are to be treated with infinite delicacy. In tranſpoſing theſe, we muſt proceed gently, and by ſlow degrees, leſt we move more than we can wield. In the moral world, a ſmall ſpark oftimes kindles a mighty flame, which neither reaſon nor eloquence can ſubdue. When ſhall natural philoſophers arrive at the art of moving the marble from the ſolid rock into arches and pillars, and other forms of architecture, by means of the projectile force of gunpowder? Scarcely is it leſs difficult for the moral philoſopher to combine the awakened propenſities and diſcordant views of millions, in one harmonious and permanent political ſyſtem. But if the momentum of thoſe propenſities and views be not calculated with due exactneſs, the powder of paſſion, inſtead of raiſing a goodly political fabric, will cover the fair face of nature with volcanic aſhes. Poets have aſcribed certain edifices to the divine power of muſic; but the concord of ſweet ſounds is radically and eſſentially different from the angry paſſions. Harmony is creative! Diſcord deſtructive!

I allow that moſt, I cannot ſay all the ends or objects that our reformers contend for, are, in themſelves, deſirable. The point on which I am inclined, like yourſelf, to differ from this reſpectable body in opinion, relates chiefly to the degree of expedition with which it is proper and prudent to proceed towards their attainment. Nothing, in the general order of things, that is ſuddenly done,

done, is well done. Great and comprehenſive de- Dr. Wm. Thomſon.
ſigns are carried into execution by means gradual, ſlow, and, to the narrowneſs of human views, even dilatory and tardy. This, as I obſerved, and you approved, in my laſt letter, is the proceſs of nature, of providence, and of grace. From the conduct of divine grace and favour to all the Chriſtian world, the French nation have deigned to borrow their emphatic metaphor of REGENERATION.— The kingdom, they ſay, is regenerated, or to be regenerated in all its powers, which, according to a very common and comprehenſive diviſion, may be reduced to thoſe of willing, and thoſe of acting. By the firſt, ſuch laws are to be enacted as may produce the greateſt poſſible public good; and by the ſecond, thoſe laws are to be carried into execution in ſpite of all obſtacles ariſing either from internal injuſtice or foreign ambition. Can ſuch a work be the work of a day or a year? Is the *regeneration* of the ſacred writings, is the *new creature* in Chriſt Jeſus formed by inſtantaneous and miraculous converſion? No: but, in all ordinary caſes, by a ſucceſſion of diſpenſations, calculated for the ſtate or ſtage of the believer's mind, as he paſſes onward to moral perfection. At firſt, being wholly under the dominion of ſelfiſh paſſions, he is addreſſed by the law, denouncing vengeance on every worker of iniquity. He labours, therefore, to abſtain from evil, and to learn to do well, from the humble and coarſe motive, if I may ſay ſo, of fear of puniſhment, mingled with ſome faint hopes

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and glimpſes of future reward: and in this ſtate, he is under the diſcipline of Elias and John, whoſe baptiſm reaches only to the external impurities of evil actions. But afterwards, as he advances in his courſe, he is initiated, by the unction of the Holy Spirit penetrating the very eſſence of his heart and ſoul, as by living fire, into a ſublime ſyſtem of action, in which perfect love caſteth out fear, and virtue and holineſs are purſued on their own account, as well as for his ſake in whom they were conſummated, and who is at once their patron and pattern. The national aſſembly would have done well to have imitated the conduct of that ſacred and wiſe ſyſtem from which their favourite phraſe of regeneration is derived. It would have afforded them other benefits beſides that of a happy term.

In the Hindoo religion there is a trinity of deities, BRAMAH, CHIVEN, and VICHENOU: the firſt repreſenting the power of creation, the ſecond that of diſſolution and deſtruction, the third that of preſervation. In the allotment of one of thoſe three grand departments, into which the univerſe is divided, to the god of deſtruction, do we not ſee the profoundeſt wiſdom? All things, exiſting in individuality, paſs away. Diſſolution precedes reproduction: both of theſe enter equally into the plan of the Almighty Ruler. Nor is it intended that there ſhould be any thing violent or painful in the former, any more than in the latter. Such is the benign wiſdom of HIM, with whom a thouſand

years are as one day, and one day as a thouſand years. While certain grand objects are advancing to their juſt completion, other inferior objects, which ſerve as ſteps to thoſe, are alſo going on to theirs. The narrowneſs of our views, and the precipitancy of our ſpirits, hurry us into raſh and violent actions; but in the order of nature, all is gradual and ſerene. Creative bounty is not more ſolicitous to raiſe new beings into life, than to lay thoſe it has raiſed gently down, like ripe fruit, into their mother's lap, without pain. The cave of death is more terrible at the entrance than within. The laſt ſtage of gradual diſſolution is not more painful than thoſe imperceptible changes that went before it. A tree grows up to maturity in a certain ſpace of time, flouriſhes in full ſtrength for an equal period, and in an equal, or nearly equal, ſinks down in total decay. An animal, in like manner, grows, flouriſhes, and decays by imperceptible degrees. Nature is ſlow, and, as it were, reluctant wholly to diſſolve whatever ſhe has formed. The withered branches and trunks of trees, the ſkeletons and bones of animals bleaching for many a year in the open air, mouldering towers preſerving their forms for centuries after they ceaſe to be inhabited: theſe ſtriking objects declare that gentle and divine gradation which nature evidently affects in all her external works. Dr. Wm. Thomſon.

The moral world moves in an higher order than the natural, but in a ſimilar ratio: one reaſon governing both. States, kingdoms, and empires

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have their growth, ſtrength, and decay; and, while they paſs on, like natural bodies, from form to form, it is the duty of legiſlators, in imitation of divine wiſdom, to be as tenderly concerned for their laſt ſtage as for their firſt.

It does not ſeem to be the part of wiſe ſtateſmen to create, ſo much as to improve governments. As there are various ſeeds profuſely ſcattered over the external face of nature, ſo there are various ſources of civil and political ſocieties. And as the huſbandman only pretends to cultivate, not to create the ſeeds of vegetables, ſo in like manner it is for the intereſt of human ſocieties that ſtateſmen, inſtead of forming at once the very ſtamina or eſſence of new governments, by a proceſs ſudden and violent, ſhould make the moſt of the old in the mean time, and aſſimilate them, according to the general œconomy of nature, by ſlow degrees, to the moſt approved forms that even metaphyſical policy can deviſe.—Such forms may ſerve legiſlators in the ſame manner that mariners are benefited by the polar ſtar; by which they are directed, but to which they never can approach.

But, to return to the compariſon drawn from the cultivation of ſeeds. It has been found, on trial, and that too by the ableſt men, that it is almoſt as difficult for the legiſlator to form, *à priori*, and without feeling his way by means of the thread of experience, a happy conſtitution of government, as it would be abſurd for a gardener, or huſbandman, to attempt, by a mixture of natural elements, to form

form an apple or an acorn. As the nature of a seed is best discovered by its developement into an herb, shrub, or tree, so the principles of government are best understood when they are contemplated in their action, effect, and full expansion. In the moral, as well as in the natural world, the thing that has been is that which shall be, and there is no new thing under the sun. I cannot but think that the following fact, if it were brought to the recollection of our bold reformers, would stagger them not a little. The first settlements in North and South Carolina were begun a few years after the restoration of king Charles the second. A grant of these provinces was made to several noblemen and other persons of rank, who employed the celebrated Mr. Locke to form a system of government and code of laws for their new colony. Mr. Locke did so. But, it is certain, that however accurately he may have reasoned on general principles, the settlements did not thrive under his institutions, though supported by the wealth and influence of their rich and powerful proprietors. Nor did they ever begin to prosper, until government, many years afterwards, resumed the grants, took the colony under their own immediate protection, laid aside the institutions of Mr. Locke, and gave the inhabitants a constitution similar to that of Virginia: from which time to the present, their advancement in improvement has been as rapid as it was before slow and unpromising.

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Another example of the folly of venturing too

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boldly in matters where life, opinions, and manners are concerned, on abſtraction, and of the wiſdom too of returning from ſuch aerial flights to the palpability of experience, has been exhibited to Europe and the world, in our own times, by the preſent great and immortal empreſs of Ruſſia. It is well known, that this princeſs wiſhed to introduce freedom into her vaſt dominions, with equal effect and expedition. But the predial ſlaves, unaccuſtomed to make any diſtinctions between equal liberty and the moſt complete licentiouſneſs and anarchy, threatened the murder of their maſters, and the ſubverſion of all regular government. What courſe then did the empreſs follow? She did not abandon her object, but had recourſe to the guidance of hiſtory; from which ſhe learned, that liberty, in different proportions, had been introduced into the different kingdoms of civilized and poliſhed Europe, by granting, from time to time, gradual and partial privileges to the peaſantry. She eſtabliſhed hoſpitals for the reception of poor children, whom ſhe would have a right to ſet free, becauſe ſhe would be at the expence of their maintenance and education. She built the town or burg of Sophia, in which any ſlave, if he ſhould be able to make compenſation for his freedom, might find an aſylum from the tyranny of his lord.—Without loſing ſight of the ſublimeſt ends, to be brought about by gentle means, in the progreſs of time and accidents wiſely improved, the enlightened, liberal, and humane politician admires

and

and imitates the conduct of the empreſs of Ruſſia, who goes on in the government of her great empire with a kind of flexible firmneſs, wiſely aiming at the controul of future, by yielding, in ſome meaſure, to preſent circumſtances and events. Such a ſage and humane politician is Dr. Ogilvie, profeſſor of humanity at Aberdeen; who, in his Eſſay on the Right of Property in Land, has laid down a plan that may multiply the independent cultivators of the ſoil, and thereby increaſe the population, wealth, and comfort of the nation, to a degree beyond the utmoſt flight of commerce, by a progreſſive agrarian, to be enlarged according to accidental and favourable circumſtances, without the ſmalleſt degree of confuſion, and without doing the ſmalleſt injury, either to the proprietor of farms, or to the preſent occupant. This is the reform of a moral philoſopher and a gentleman.

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States are often compared to ſhips. The French, it has been ſaid, quitting the coaſting navigation of the ancients, have launched forth into the wide ocean of poſſibility, committing their ſafety to the polarity of reaſon. But how far the French, in loſing entire ſight of the ſhore, have acted wiſely, may juſtly be queſtioned.

> Rectius vives, Lucini, neque altum
> Semper urguendo, neque, dum procellas
> Cautus horreſcis, nimium premendo
> Litus iniquum.
>
> Hor. lib. ii. od. 10.

It is equally improper to creep along too near the treacherous ſhore, and to bear for ever on the

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faithleſs deep. In political, as in maritime affairs, a free and noble courſe may be ſhaped with a ſound veſſel, an able pilot, and a proſperous gale. But when the tempeſt brews, and the face of heaven lowers, it is prudent to run into the neareſt harbour. If the port be any wiſe tolerable, make the moſt of it you can. Deepen it, enlarge it, extend moles into the ſea, introduce rivulets for clearing and filling it, even from the greateſt diſtances: try a thouſand expedients rather than commit anew your periſhable bark to the troubled and enſanguined ocean of total anarchy. It is in improving what we have, rather than in caſting about for new ſettlements, that genuine philanthropy and patriotiſm are uſually found to conſiſt.

That all men are equal by nature, is a fiction that may be innocent enough, ſo long as it is not made a lever for ſubverting conſtitutions that have actually grown up and flouriſhed in inequality. It would be more philoſophical to ſay, that "the "law is equal for all men," than that "all men "are equal by nature:" for laws are abſtracted or ideal things, which alone, as every metaphyſician and every geometrician knows, are ſuſceptible of perfect equality; whereas men, and all other natural objects, exiſt in individuals. It may be ſaid, that if all men are not equal in fact, yet they ought to be conſidered as equal, or at leaſt as poſſeſſing equal rights. But neither is this doctrine even morally or metaphyſically true. Sound policy often can recognize no other right than that of long and uninterrupted

uninterrupted occupancy. But if a nicer and more general foundation of property exists, on what is it founded? If it be said, Providence, equally concerned for all his children, bestows equal rights and privileges on all, it is most obvious to answer, that neither are equal rights and privileges, in fact, extended to all men; nor human happiness greatly, if at all, affected by the circumstance of disparity of rank in life. Shall it be said, after all, that men *ought* to have equal privileges? I reply, that there can be no reason given why there should not be diversities of stations, as well as there are diversities of orders, or species of beings. There are different degrees of liberty and property enjoyed by different nations, and, in the same nation, by different individuals. But there is no human state in which a certain degree of enjoyment is not found; none in which there is not room for the exercise of virtue; none that is entirely excluded from hope, the greatest balm of life, either in the lowest or the most exalted stations. Dr. Wm. Thomson.

Distinction of rank and situation arises out of human nature, and redounds to human happiness and grandeur. Were he, who can turn the hearts of men like streams of water, to pour the souls of a whole nation into one smooth and limpid pool, the even tranquillity of the aggregate mass could not, without a continued miracle, be lasting. Winds and storms of passion would soon agitate the face

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of the troubled waters. Foreign invasions and domestic injuries would call forth the virtues of courage and justice; and the hero, the legislator, and the judge, attract the gratitude, the esteem, and the reverence of his countrymen. The sacred shade of admiration which accompanies the benefactors of mankind during their life, is extended in the imaginations and hearts of men to their posterity. All other circumstances being equal, or but nearly equal, the son of the good and great man, even in the rudest tribes, carries the votes over the descendant of the undistinguished barbarian. As society advances towards civilization, the advantage of regular government, and hereditary succession to various offices and immunities, over tumultuary elections and sudden decisions, becomes more and more apparent. Divers orders, classes, or casts of men, are formed; and the moral world is varied by such a waving line as that which, winding horizontally, or rising and falling along mountains and vales, conducts and distributes the influences of heaven, and variegates the whole aspect of external nature. It is, happily, such a waving line, and not the parallelograms and acute angles of Dutch parterres, that is still the REIGNING taste in ENGLISH GARDENING.

By this happy constitution of nature (for that it is the constitution of nature all history bears witness), different stations are allotted to different people. A sense of honour animates

mates the man of birth to honourable achievements; the hope of distinction, the plebian to distinguished actions: the convulsions incident to democracy are controuled; and the fabric of government, on which depends all that gives comfort, elegance, and dignity to life, is consolidated and strengthened. Instead, therefore, of wholly subverting monarchy, it becomes us to co-operate with the gracious will of Providence, the only solid basis of moral obligation:—it becomes us to cherish a spirit of reverence of the laws among the people, and to temperate the authority of kings by knowledge, by sentiments, by manners, and by the gradual introduction of counter-checks in the exercise of government. Dr. Wm. Thomson.

"Some people are so zealous in the work of political alteration, that they make no account of the present generation, but are intent solely on the convenience and comfort of posterity. I do not, with the honest Irishman, ask, What good ever posterity did to us?—but this I say, that we see only a short way into futurity. Evils, as well as blessings, await posterity that we little think of. Let us chiefly mind the matters that are immediately before us. Let us encounter the labour and the danger of removing present and pressing calamities. Sufficient for the day is the evil thereof. I am not an enemy to political reformation: God forbid! But all political reforms should be progressive and gradual. And it is surprising in how short a time the steady and comprehensive

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hensive eye of political prudence accomplishes her designs, by watching and improving situations, occasions, and conjunctures.

The city of London contains many dirty closes and lanes; but it also contains many noble streets and squares, though it be not built according to any regular plan of architecture. A wise government will gradually assimilate this great metropolis to some such form by taking advantage of the decay of streets, the falling in of houses, and accidental fires; but will be very cautious of adopting any scheme that might overturn its fairest fabrics, or involve a general conflagration. This, one would imagine, is nothing more than COMMON SENSE!!

And now, my dear and most respected friend, I shall, in a very few words, apply all that I have been driving at in this political effusion.

Mr. Burke (though he errs perhaps on the safer side) pays too much respect to established institutions; Mr. Paine far too little; and even our friend, Mr. Mackintosh, not enough to satisfy you or myself. Upon these points we are agreed. But, in my opinion, though not entirely in yours, the exact medium has been hit upon by M. de Calonne; whose advice, if his countrymen had followed, or would yet follow, with such additions and qualifications as moderate men would approve, they would not, with the example of the English Constitution before their eyes, prefer a two-footed stool to a tripod.

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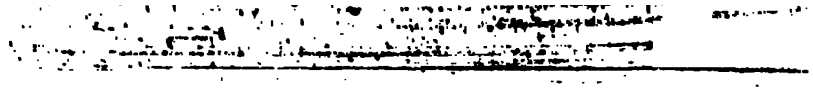
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